

THE
Punjab Legislative Council
Debates.

From 21st October to 29th November 1935.

Vol. XXVII.

OFFICIAL REPORT.



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1936.

**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, Barrister-at-Law.

Assistant Secretary.

Khan Sahib Hakeem Ahmed Shujaa, B.A.

PUNJAB LEGISLATIVE COUNCIL.

LIST OF MEMBERS.

I.—EXECUTIVE COUNCILLORS AND MINISTERS.

- The Hon'ble Mr. D. J. Boyd, C.I.E., I.C.S., Finance Member to Government, Punjab.
- The Hon'ble Khan Bahadur Nawab Muzaffar Khan, C.I.E., Revenue 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. Sir Gokul Chand Narang, M.A., Ph.D., Kt., Minister for Local Self-Government (North-West Towns, non-Muhammadan, Urban).

II.—OFFICIAL MEMBERS.

- Abdul Aziz, Khan Bahadur Mian, C.B.E., Financial Commissioner, Revenue, Punjab.
- Anderson, Mr. J. D., I.C.S., Secretary to Government, Punjab, Legislative Department.
- Askwith, Mr. A. V., I.C.S., Home Secretary to Government, Punjab.
- Bourne, Mr. F. C., I.C.S., Secretary to Government, Punjab, Electricity, Industries and Labour Departments.
- Bradford, Mr. W. G., I.C.S., Secretary to Government, Punjab, Transferred Departments.
- Dobson, Mr. B. H., C.B.E., I.C.S., Financial Commissioner, Development, Punjab.
- Fazl Ilahi, Khan Sahib Shaikh, Director, Information Bureau, Punjab.
- Ogilvie, Mr. C. M. G., C.B.E., I.C.S., Secretary to Government, Punjab, Finance Department.
- Puckle, Mr. F. H., C.I.E., I.C.S., Chief Secretary to Government, Punjab.
- Rahman, Khan Bahadur Dr. K. A., O.B.E., Director of Public Health, Punjab.
- Sanderson, Mr. R., M.A., C.I.E., I.E.S., Director of Public Instruction, Punjab.
- Tate, Mr. T. B., Chief Engineer to Government, Punjab, Public Works Department, Irrigation Branch.

III.—NON-OFFICIAL MEMBERS.

- Abdul Ghani, Shaikh, West Punjab Towns, Muhammadan, Urban.
- Atfal Haq, Chaudhri, Hoshiarpur-cum-Ludhiana, Muhammadan, Rural.

III.—NON-OFFICIAL MEMBERS—CONTINUED.

- Ahmad Yar Khan, Daulatana, Khan Bahadur Mian, Muhammadan, Landholders.
- 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.
- Asadullah Khan, Chaudhri, B.A., LL.B., Sialkot, Muhammadan, Rural.
- Bahadur Khan, Sardar, M.B.E., Dera Ghazi Khan, Muhammadan, Rural.
- Balbir Singh, Rao Bahadur Captain Rao, O.B.E., Gurgaon, non-Muhammadan, Rural.
- Bansi Lal, Chaudhri, Lahore city, non-Muhammadan, Urban.
- Bhagat Ram, Lala, Jullundur-cum-Ludhiana, non-Muhammadan, Rural.
- Bishan Singh, Sardar, Sialkot-cum-Gurdaspur, Sikh, Rural.
- 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. Sajan Kumar, Hissar, non-Muhammadan, Rural.
- Faqir Husain Khan, Chaudhri, Amritsar, Muhammadan, Rural.
- Fazl Ali, Khan Bahadur Nawab Chaudhri, O.B.E., Gujrat East, Muhammadan, Rural.
- Ghani, Mr. M. A., Representative of Labouring Classes (Nominated).
- 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 Daha, Khan, Multan East, Muhammadan, Rural.
- Jagdev Khan Kharal, Rai, Lyallpur North, Muhammadan, Rural.
- Janmeja Singh, Captain, Sardar Bahadur Sardar, O.B.E., Representative of the Punjab Officers and Soldiers of His Majesty's Indian Forces (Nominated).
- Jaswant Singh, Guru, Ferozepore, Sikh, Rural.
- 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).

III.—NON-OFFICIAL MEMBERS—CONTINUED.

- Lah Singh, Mr. M.A., LL.B. (Contab.), Rawalpindi division and Lahore division, North, non-Muhammadan, Rural.
- Lekhwati Jain, Shrimati, North-East Towns, non-Muhammadan, Urban.
- Malak, Mr. Muhammad Din, Lahore city, Muhammadan, Urban.
- Mamraj Singh Chohan, Kanwar, B.A., LL.B., Ambala-cum-Simla, non-Muhammadan, Rural.
- Mangal Singh Man, Sardar, Rawalpindi division and Gujranwala, Sikh, 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.
- 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 Eusoof, 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 Tumandars, Landholders.
- Muhammad Raza Shah Gilani, Makhdumzada Sayad, Multan West, Muhammadan, Rural.
- Muhammad Sadiq, Shaikh, Amritsar city, Muhammadan, Urban.
- Muhammad Sarfaraz Ali Khan, Raja, Jhelum, Muhammadan, Rural.
- Muhammad Yasin Khan, Chaudhri, B.A., LL.B., Gurgaon-cum-Hissar, Muhammadan, Rural.
- Mukand Lal Puri, Rai Bahadur Mr., M.A., Punjab Industries.
- Mukerji, 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.

III.—NON-OFFICIAL MEMBERS—CONCLUDED.

- Nihal Chand Aggarwal, Lala, East and West Central Towns, non-Muhammadan, Urban.
- 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 Captain Sardar, O.B.E., Amritsar, Sikh, Rural.
- Ramji Das, Lala, Amritsar city, non-Muhammadan, Urban.
- Ram Sarup, Chaudhri, North-West Rohtak, non-Muhammadan, Rural.
- Ram Singh, 2nd-Lieut. Sardar Sahib Sardar, Ambala division, Sikh, Rural.
- Riasat Ali, Khan Sahib Chaudhri, B.A., LL.B., Gujranwala, Muhammadan, Rural.
- Roberts, Professor W., C.I.E., Representative of the European and Anglo-Indian communities (Nominated).
- Sampuran Singh, Sardar, Lyallpur, Sikh, Rural.
- Sewak Ram, Rai Bahadur Lala, Multan division, non-Muhammadan, Rural.
- Shah Nawaz Khan, Nawab Khan, Representative of General Interests (Nominated).
- 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.
- Zaman Mehdi Khan, Khan Bahadur Malik, Sheikhpura, Muhammadan, Rural.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 21st October, 1935.

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—

- Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural).
- Sardar Mangal Singh Man (Rawalpindi division and Gujranwala, Sikh, Rural).
- Mr. A. V. Askwith (Home Secretary).
- Nawab Khan Shah Nawaz Khan (Nominated, non-official).
- Mr. W. G. Bradford (Secretary, Transferred Departments).
- Mr. C. M. G. Ogilvie (Finance Secretary).
- Khan Bahadur Mian Abdul Aziz (Financial Commissioner, Revenue).

STARRED QUESTIONS AND ANSWERS.

COMMUNAL REPRESENTATION AMONG SUPERINTENDENTS, IRRIGATION SECRETARIAT.

*4527. **Kanwar Mamraj Singh Chohan** : Will the Honourable Revenue Member kindly state—

- (a) the number of superintendents in the Irrigation Secretariat ;
- (b) the number of Hindus, Muhammadans and Sikhs among them ;
- (c) the number of superintendents belonging to each community that have held office during the last twenty years ;
- (d) the reasons for lack of representation of any one community therein ;
- (e) the steps he proposes to take to safeguard the rights and interests of the community under-represented ?

The Honourable Nawab Muzaffar Khan : (a) 8.

- (b) Hindus 2, Muhammadans 1, Christians 5, Sikhs nil.
- (c) A statement is placed on the table.
- (d) Disproportion of communities among the senior men in the next lower grade appointed 20 and more years ago. This disproportion will continue till the correct ratio of communities is attained.
- (e) None as appointment to the post of superintendent is by selection combined with seniority.

[Hon. Nawab Muzaffar Khan.]

(c) Statement showing the number of superintendents community-wise, who have held office during the last 20 years.

	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.
Hindus	3	3	3	3	3	3	2	2	2	1	1	1	1	1	2	2	2	2	2
Muhamadans	..	1	1	1	1	1	1	2	2	2	2	2	2	1	1	1	1	1	1	1
Sikhs
Christians	..	3	3	3	3	3	3	6	6	6	7	7	7	8	7	6	6	5	5	5
Total number of posts.	7	7	7	7	7	7	7	10	10	10	10	10	10	10	9	9	9	8	8	8

STENOGRAPHERS IN HIGH COURT OFFICE.

***4528. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that two posts of stenographers are at present vacant in the High Court office ;
- (b) whether Government proposes to invite the attention of the Honourable the Chief Justice to the claims of Muslims for these two posts ?

The Honourable Mr. D. J. Boyd : (a) Government have no information.

(b) Government do not think that the suggested action would be suitable.

MUSLIMS AS GOVERNMENT ADVOCATES.

***4529. Chaudhri Muhammad Abdul Rahman Khan :** With reference to the reply to starred question 4272¹, dated the 12th March, 1935, will the Honourable Finance Member be pleased to state the names of the gentlemen who have held the post of Government Advocate in this province and the total period with dates during which each held office ?

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

Statement.

1. Mr. Aziz Ahmad, Advocate, 10th January, 1924, to 10th February, 1924, Additional Government Advocate.
2. Mr. M. Sleem, Barrister-at-Law, 17th May, 1925, to 11th June, 1925, Additional Government Advocate.
3. Mian (now Honourable Mr. Justice) Abdul Rashid, Barrister-at-Law, Acting Government Advocate in addition to Assistant Legal Remembrancer, from 1st July, 1927 to 18th September, 1927; Additional Government Advocate from 28th October, 1929, to 12th October, 1930; Acting Government Advocate from 26th June, 1931, to 4th October, 1931, and from 14th July, 1933, to 1st October, 1933.

MUSLIM ASSISTANT LEGAL REMEMBRANCERS.

***4530. Chaudhri Muhammad Abdul Rahman Khan :** With reference to the reply to starred question 4284², dated the 12th March, 1935, will the Honourable Finance Member be pleased to state the total period for which each of the four Muslim Assistant Legal Remembrancers held office ?

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

Statement.

1. The late Honourable Mian Shah Din, from 19th July, 1900, to 31st December, 1900.
2. Mian (now the Honourable Mr. Justice) Abdul Rashid from 5th March, 1925, to 7th May, 1933.
3. Khan Bahadur Din Mohammad, from 2nd October, 1933, to 26th March, 1934, and again from 20th July, 1934, to 30th September, 1934, and from 26th July, 1935, to 29th September, 1935.
4. Chaudhri Nazir Hussain—from 14th March, 1934, to 19th July, 1934, and again from 4th October, 1934, to 25th July, 1935, and from 30th September, 1935, up to date.

¹ Vol. XXVI, page 532.

² Vol. XXVI, page 537.

CONSTRUCTION OF POLICE LINES IN LUDHIANA.

***4531. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that tenders were invited five or six months ago for the construction of Police lines in Ludhiana ;
- (b) whether it is a fact that Messrs. Mathra Das Janki Nath also submitted tenders for this work ;
- (c) whether it is a fact that the tenders submitted by the said Messrs. Mathra Das Janki Nath were not the lowest ;
- (d) whether it is a fact that the Superintending Engineer decided to call for fresh tenders ;
- (e) whether it is a fact that on the second occasion the rates of a large number of competing contractors were again lower than those of Mathra Das Janki Nath ;
- (f) whether it is a fact that the Superintending Engineer gave the contract for the work to Mathra Das Janki Nath despite the fact that their quotations were not the lowest ; and if so, what were his reasons ;
- (g) whether the firm of Mathra Das Janki Nath have previously done any work in this circle ;
- (h) what action the Government proposes to take in the matter ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) No.

(c) Does not arise.

(d) Yes.

(e) Messrs. Mathra Das Janki Nath, Contractors, did not submit any tender.

(f) No.

(g) Yes.

(h) None.

MUSLIM IN ELECTRICAL DEPARTMENT.

***4532. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether an article appearing in the daily *Zamindar*, dated the 29th September, 1934, under the caption, " will the post of stenographer be given to a Muslim in the Government Electrical Engineering Department " in which the great paucity of Muslims in the Government Electrical Circle office was complained of and the appointment of a Muslim to the then vacant post of stenographer was urged, has been brought to the notice of Government ;
- (b) whether a Muslim was in fact appointed to the post ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The reply to the first part is in the negative. In regard to the second part, of the three clerks employed in the Electrical Circle who applied for the post, one was a Muslim and he failed to pass the test in stenography set by the Electrical Engineer to Government, Punjab. Outside applicants were not considered as the post was filled by the appointment of a clerk already employed in the Electrical Circle.

PANDIT GIAN CHAND, CO-OPERATIVE DEPARTMENT.

***4533. Thakur Pancham Chand :** Arising out of the reply given to Council question No. *39351 put by me, will the Honourable Minister for Agriculture, kindly lay on the table the original order whereby Pandit Gian Chand, B.A., was appointed on probation as Inspector of the Co-operative Department and state—

- (a) why the mistake admitted in part (e) of the said question was not detected by those concerned for three years, i.e., 1930, 1931 and 1932 ;
- (b) what action Government proposes to take with a view to compensate Pandit Gian Chand ?

The Honourable Sardar Sir Jogendra Singh : An extract from the order posting Pandit Gian Chand after the conclusion of the training class, and of the conditions governing such appointments, is laid on the table.

- (a) Owing to an oversight.
- (b) The mistake had no effect on Pandit Gian Chand's prospects and Government does not consider that it entitles him to any compensation. His Service Book showed him clearly as on probation.

Copy of an extract from an order, dated 29th February, 1929, passed by R. J. S. Dodd, Esquire, Registrar, Co-operative Societies, Punjab.

After the conclusion of the Gurdaspur Class the following postings and transfers will take effect immediately :—

<i>Inspector.</i>	<i>Posted at</i>
Pandit Gian Chand .. .. .	.. Sonepat.

Summary of conditions of service.

A candidate must ordinarily be a graduate. When accepted, he has to undergo a course of at least 15 months' training. He receives a stipend of Rs. 50 per mensem for the first three months, after which he is posted as a Sub-Inspector on Rs. 50 per mensem under the Punjab Co-operative Union. During this time he is not a Government servant, and is expected to learn the practical duties of a Sub-Inspector, while also studying co-operative and economic literature. A class is annually held for four months at Gurdaspur, in which candidates are trained in the law, theory, and practice of Co-operation and Rural Economics. There is a final examination of a high standard. After passing the examinations and completing the required training a candidate is eligible for appointment on probation as Inspector when a vacancy occurs.

Mr. M. A. Ghani : What action was taken against those through whose oversight this mistake was committed ?

The Honourable Sardar Sir Jogendra Singh : No action was considered necessary.

Mr. M. A. Ghani : What are the reasons for not considering any action necessary ?

The Honourable Sardar Sir Jogendra Singh : There are enough reasons to condone the oversight.

STATUTORY AGRICULTURISTS AMONG THE DISTRICT AND SESSIONS JUDGES.

***4534. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member be pleased to state the total number of statutory agriculturists among the District and Sessions Judges in the province and what steps are being taken to give statutory agriculturists their due share in the cadre ?

The Honourable Mr. D. J. Boyd : One of these officers is a statutory agriculturist. The posts of District and Sessions Judge are borne on the superior Indian Civil Service time-scale to which recruitment is made under rules framed by the Secretary of State for India in Council.

IRRIGATION IN SULTANKE VILLAGE.

***4535. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) whether he is aware that the zamindars of Sultanke village of Lahore district have been submitting representations to Government for the last 25 years for the shifting of outlet R. D. 97 to R. D. 93 in order to get their land lying at a higher level than that of outlet R. D. 97 within the command of the canal ;
- (b) the area of the land to be so irrigated ;
- (c) whether he is aware that the area mentioned in (b) was included in the *chakbandi* made in the last settlement of the land to be irrigated, and that for this reason enhanced rate of land revenue was fixed for it, and that the zamindars have been paying land revenue at the increased rate ;
- (d) how much has been paid on account of the increased rate in (a) over and above the ordinary land revenue in respect of the area mentioned in (c) above ;
- (e) whether he is aware that the Irrigation officials agreed in 1932 or thereabout to accede to the request of the zamindars mentioned in (a) and that for this purpose they got Rs. 323 deposited towards the cost of the outlet, and also they got the outlet, a mile and-a-half dug up by the zamindars concerned ;
- (f) whether there was any objection to the outlet being sanctioned and why the proposal dropped ;
- (g) what compensation the Government intends to make to the zamindars for the trouble and expense they were put to as mentioned in (d) ;
- (h) what action the Government intends to take in the matter in view of facts in (a), (c) and (e) above ?

The Honourable Nawab Muzaffar Khan : It is regretted that the reply is not yet ready.

IRRIGATION IN GUJRAT DISTRICT.

***4536. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) whether he is aware that eight villages of the Gujrat district are irrigated by the Lower Jhelum Canal ;
- (b) whether it is a fact that the remaining villages of the Gujrat district barring those in (a) are watered by the Upper Jhelum Canal ;
- (c) whether he is aware that the villages in (a) have to pay land revenue in respect of gardens in two instalments and those in (b) in respect of gardens in one instalment only, thus the land revenue in (a) in respect of gardens being double of that in (b) ;
- (d) whether he is aware that the Settlement Report of the Gujrat district has laid down that only one instalment of land revenue in respect of gardens should be recovered for gardens in the whole of the Gujrat district ;
- (e) if the answers to (a), (c) and (d) are in the affirmative, what are the reasons for the differential treatment mentioned in (c) ;
- (f) the measures Government intends to take in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes.

(e) and (f) The matter is under consideration.

Sardar Sahib Sardar Ujjal Singh : May I know whether the practice of charging land revenue on gardens varies from place to place ?

The Honourable Nawab Muzaffar Khan : The question relates to gardens in particular areas and to general irrigation in different districts.

SULEIMANKE HEADWORKS AND DAMAGE TO CROPS.

***4537. Khan Sahib Mian Noor Ahmad Khan :** Will the Honourable Revenue Member please state—

- (a) whether Government is aware of the fact that near the Suleimanke headworks about 6 or 7 thousand acres of area of the Dipalpur tahsil gets under water every year, in which total are included from 900 to 1,400 acres of matured *rabi* crops ;
- (b) whether it is a fact that in 1933 the zamindars of village (i) Alike-Rohella, (ii) Thakkarke Makhna, (iii) Thakkarke Manga, (iv) Dharange, (v) Kund Thakkarke Jagwara, (vi) Pana Mahar, (vii) Nihal Mahar, gave a notice under section 80, Civil Procedure Code, to the Secretary of State for India for damages amounting to Rs. 32,000 on account of the canal authorities' negligence in controlling the River Sutlej as a result of which their matured crops were destroyed ; if so, whether a suit was filed and what was the result of those proceedings ;

[K. S. Mian Noor Ahmad Khan.]

- (c) whether it is a fact that Khan Sahib Malik Sabib Khan Noon, the then Sub-Divisional Officer, Pakpattan, and other responsible civil authorities examined the crops under water on the spot and found that the said area was totally destroyed and hence revenue demands were remitted ;
- (d) whether it is a fact that before the construction of the headworks *rabi* crops were never drowned ; and that it is solely due to the headworks that those damages occur ; if so, whether the zamindars concerned have all been granted land in the Nili Bar or some other colony ; if so, how many of them have been granted land and what is the total area granted on this account ;
- (e) whether it is a fact that some big bunds and small canals are being constructed in the area of villages Sabooke Mahar and Baqarke Mahar of Dipalpur tahsil ; if so, whether the intention of the Government was duly notified in the *Punjab Gazette* under the Land Acquisition Act or whether the consent of the zamindars was obtained ; if not, whether the Government proposes to give them any compensation for the land ;
- (f) whether it is a fact that along the Maryal Bund of the Suleimanke headworks earthwork operations are being carried on and the zamindars' area along the Bund is being dug up from 6 to 10 feet deep ; if so, whether the said land which lies to the west of Maryal bund has been duly acquired ; if not, whether any compensation has been proposed for the land under *khatans* ;
- (g) whether Government proposes to grant land to the zamindars in lieu of their respective areas which have become useless due to the construction of the Suleimanke headworks ?

The Honourable Nawab Muzaffar Khan : (a) At each Sutlej Valley Project Headworks including Suleimanke, Government has acquired and either paid for or given land in exchange for several thousand acres of land which is liable to flooding each year. Government is not aware that annually 900 to 1,400 acres of matured *rabi* crops are submerged.

(b) Notice of suits were received by Government in 1933 from Pana Mahar and Ali-ke-Rohella villages for claims for Rs. 13,663-8-0, Rs. 9,723, respectively ; Government was advised to resist the suits if filed ; but the suits were not filed, as there was no real cause for complaint.

(c) No.

(d) As far as Government is aware it is not a fact. Considerable areas have been acquired upstream of Suleimanke Weir and the owners have been compensated suitably by exchange of land or otherwise, about 2,900 acres of Colony land was given in exchange for 3,400 acres of land upstream of Suleimanke.

(e) A bund and a leading cut have been constructed in the river above Suleimanke Weir as part of the normal training works required for the river. The land under the bund and the cut was either in the river channel or in jungle covered lands within the river bed—with the exception of 6 *marlas* of cultivated land. Compensation will be paid for all proprietary land

acquired under bund and cut, and orders to Superintending Engineer have been issued accordingly.

(f) On the marginal bund only small repair work has been done this year. Borrow pits of 6 to 10 feet depth have not been dug and orders have been issued to Superintending Engineer to pay compensation for land under *khatans* if after enquiry he finds that compensation is due.

(g) Land has already been given in exchange for areas acquired.

GERMAN MEDICAL PRACTITIONERS.

*4538. **Chaudhri Faqir Husain Khan** : Will the Honourable Minister for Education kindly state—

- (a) whether Government is aware that the M.B., B.S.'s and M.D.'s of the Punjab University are not allowed to practice as medical practitioners in any European country other than the British Isles ;
- (b) whether Government is aware that Punjabi medical men even when they are holding German medical degrees are not registered as medical practitioners in Germany ;
- (c) whether Germans holding German medical degrees are registered as medical practitioners in the Punjab ;
- (d) whether Government is aware that Germans holding German medical degrees are not registered as medical practitioners in the Bombay Presidency ;
- (e) the reasons why one Dr. Seelig, who is a German and holds German medical degrees has been registered as medical practitioner in the Punjab ;
- (f) what action Government proposes to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) Persons holding medical degrees of the Punjab University which are not recognised for registration by the General Medical Council of the United Kingdom are not allowed to practise as medical practitioners in any foreign country. Punjab medical degrees which are registrable with the General Medical Council (*i. e.* degrees of M.B., B.S., M. D. and M. S. of the Punjab University obtained before January 1930), and which are so registered, entitle the holders for registration and practice as medical practitioners only in those countries which are in reciprocity with the General Medical Council, *viz.*, Italy and Japan.

(b) According to information furnished by the Medical Council of India, doctors of any nationality holding German medical degrees were registrable as medical practitioners in Germany until recently. No information is available of any recent changes in the law governing medical practice in Germany.

(c) The applications of Germans, holding German medical degrees, for registration are considered under clause (a) of the second proviso to section 13 of the Punjab Medical Registration Act of 1916 : which empowers the Council to permit the registration of any holder of a degree, etc., of any University or Medical College or School not included in the schedule of the Act, but approved by the Council.

[Hon. Malik Sir Firoz Khan Noon.]

(d) Yes. According to the information furnished by the Bombay Medical Council, Germans holding German Medical degrees are not registered as medical practitioners in the Bombay Presidency; but the degrees conferred by certain Universities in Germany are recognised for registration by the Medical Council for registration as additional qualifications.

(e) Government sanctioned the registration of Doctor Seelig's name under the clause mentioned in reply to (c). Government accepted the recommendation of the Medical Council. It is understood he is now in Patiala.

(f) Government proposes to take no action in the matter.

Mr. M. A. Ghani: How many medical practitioners are there in this province with German medical degrees?

The Honourable Malik Sir Firoz Khan Noon: I hope the honourable member does not expect me to give an answer to that question without notice.

Mr. M. A. Ghani: There are medical practitioners with German medical degrees practising in this province, while medical practitioners with degrees of this province are not allowed to practice in Germany. I want to know the reasons for Government not taking action in the matter.

The Honourable Malik Sir Firoz Khan Noon: I need notice of that question.

BHAKRA DAM PROJECT.

*4539. **Khan Sahib Mian Noor Ahmad Khan:** Will the Honourable Revenue Member kindly state—

- (a) whether it is proposed to proceed with the Bhakra Dam Project;
- (b) if so, when this project will be made operative;
- (c) whether Government is aware that the *ilagas* of Bhutiana and Harnama are being ruined owing to the scarcity of water;
- (d) whether the Government has taken any steps to carry out the Bhakra Dam Project?

The Honourable Nawab Muzaffar Khan: (a) and (d) The honourable member is referred to the replies given to (e) and (f) of Council question No. 1070.¹

(b) Does not arise.

(c) Government does not admit this position.

SOMA WATER ABOVE THE HEADWORKS SULEIMANKE.

*4540. **Khan Sahib Mian Noor Ahmad Khan:** Will the Honourable Revenue Member please state—

- (a) whether he is aware that a large culturable area has become fallow on account of the appearance of *soma* water above the headworks Suleimanke, and on account of increase of sand below these headworks;

¹ Vol. XXVI, page 118.

(b) how much area has become fallow since the constitution of the headworks ;

(c) if the area in (b) is very large, whether Government intends to make a grant of land to the zamindars concerned ?

The Honourable Nawab Muzaffar Khan : I regret that answer to this question is not ready.

APPOINTMENT OF OFFICIAL RECEIVERS AND NOTARIES PUBLIC.

***4541. Chaudhri Faqir Husain Khan :** Will the Honourable Finance Member be pleased to lay on the table a copy of the Rules governing the appointment of—

(a) Official Receivers ;

(b) Notaries Public ;

and state who in each case is the appointing authority ?

The Honourable Mr. D. J. Boyd : Appointments of Official Receivers are made by the Local Government under section 57 of the Provincial Insolvency Act, 1920, and those of Notaries Public by the same authority under section 138 of the Negotiable Instruments Act, 1881. There are no formal rules governing the making of appointments, but as regards Official Receivers the procedure is that when a vacancy occurs the High Court make recommendations for filling after ascertaining whether the local Government desire that any particular candidates be considered.

COMMISSIONS FOR RECORDING EVIDENCE.

***4542. Chaudhri Faqir Husain Khan :** Will the Honourable Finance Member be pleased to state the total number, communitywise (stating also the number of statutory agriculturists under each designation) in each district of the province, of persons whose names have been placed on the panel of Commissioners for recording evidence under instruction No. 1 of the instructions at page 7 of Chapter. 10-B of Vol. I of the Rules and Orders of the High Court, stating also for each district :—

(a) the number of non-lawyers on the panel ;

(b) the number of retired civil or judicial officers on the panel ?

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

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

Statement.

District.	MUSLIMS.		HINDUS.		SIKHS.		OTHERS.		Total.	Number of non-lawyers on the panel.	Number of retired civil or judicial officers on the panel.
	Statutory agriculturists.	Others.									
1	2	3	4	5	6	7	8	9	10	11	12
Hissar ..	1	3	4
Gurgaon ..	1	..	1	2	4
Karnal ..	1	5	6
Rohatak	4	2	6
Ambala ..	1	1	..	3	5
Simla	4	4
Hoshiarpur ..	1	1	1	5	8
Kangra	1	5	..	1	7
Jalandur ..	1	1	..	1	2	5

JUDICIAL DEPARTMENTS.

*4543. **Chaudhri Faqir Husain Khan** : Will the Honourable Finance Member be pleased to lay on the table of the House a copy of the rules relating to seniority and juniority appointment, promotions and punishments, etc., of employees in the ministerial establishment of—

(i) the High Court Office ;

(ii) the Courts subordinate to Lahore High Court ;

and state in particular the rule, if any, under which an employee in a district establishment loses his seniority upon transfer to a new district and cannot earn promotion, unless he becomes senior *qua* the persons serving in the district to which he is transferred, thus losing the advantage of the service he has put in in another district ; and if there is such a rule, what is the exact wording of it and when it was introduced ?

The Honourable Mr. D. J. Boyd : A copy of the rules is laid on the table. There is no rule of the kind described in the latter part of the question. Transfers from one district to another, except among clerks of court, are rare ; and each is treated on its merits. In the case of clerks of court no question of loss of seniority can arise.

HIGH COURT OF JUDICATURE AT LAHORE.

OFFICE ORDER.

To be substituted No. 23, dated the 2nd March, 1928
for the Office Order
bearing the same
number.

(ORIGINAL ISSUE, 16TH JANUARY, 1922.)

Revised Issue.—The Honourable the Chief Justice has approved of the following principles to be observed in making appointments to and, in the clerical establishment of the High Court:—

2. *Four departments.*—The High Court Clerical establishment works in four departments.

(1) The General Line;

(2) The Translating Department;

(3) Judgment-Writers; and

(4) Readers to the Honourable Judges.

3. *Incremental Time-Scale.*—The Clerical Establishment of the High Court is on time scale, but it must be clearly understood that a periodical increment will not be granted to an officer unless his conduct has been good or work satisfactory (Fundamental Rule 24).

The General Line.

4. *Divisions A and B.*—The General Line consists of 2 Divisions. The 'B' Division includes all Clerks in the grade of Rs. 45—3—105 and 75—5—150. The other Grades, viz., Assistants 100—10—300 and Superintendents 250—15—310—20—450 constitute the 'A' Division.

5. *Appointments to and in Division "A."*—Appointments to and promotion in "A" Division will be made by selection only. Although men of "B" Division are eligible for selection it must be clearly understood that there is no inherent right of promotion from "B" Division to "A.", or from one grade to another in "A" Division on the ground of seniority or long service, or similar consideration. In making an appointment to a vacancy in "A" Division, therefore, the Judges will have their discretion unfettered by any claims advanced by clerks in the office. The principle to be followed in making appointments to or in "A" Division, whether permanent or officiating, will be that the best man will be selected whether he is or is not already on the office establishment.

Explanation.—The "best" man means the person who is marked out by intelligence, application, character and education as superior to his fellows, and does not necessarily mean a person who happens to have experience of the work of any particular appointment.

6. Appointments to the 75-5-150 grade of the "B" Division shall be made as follows in rotation :—

- (1) By direct appointment from outside.
- (2) By promotion on merits from the Junior Grade.
- (3) By seniority combined with fitness in the Junior Grade.

NOTE.—In the case of (2) and (3) non-matriculates and clerks on deputation will not be considered, while in case of (1) the appointments will be confined to those only whose educational qualifications are not less than B. A. or B. A. (Commerce) of the Punjab University.

7. As regards the Junior Grade of 45-3-90-3-105 the vacancies will be filled by candidates on the list in accordance with seniority. Recruitment will be made by 2 methods, viz. :—

- (a) Competition, and
- (b) Nomination.

Candidates qualifying at the prescribed examination will be given 1/3rds of the vacancies while the 1/3rd will be filled by nomination from persons who possess high educational qualifications or family claims or are relatives of loyal Government servants or belong to backward communities and not likely to compete successfully at the competitive examination.

8. The prescribed examination will consist of—

<i>Compulsory</i>	..	{	1. Dictation.
			2. Handwriting as exhibited in the dictation.
			3. Precis writing.
<i>Optional</i>	..	}	1. Typewriting.
			2. Shorthand.

Only those who have passed at least the Matriculation or other corresponding examination of an Indian University or the School Final Examination are eligible for appointment by examination.

No candidate shall be allowed to sit in the Competitive Examination whose age exceeds 23 years on the date of the Examination.

9. *Applications for appointment.*—An examination will be held from time to time as necessity arises but an application for appointment may be submitted at any time to the Registrar who will place the applicant's name, if he is considered to be suitable, on the list of applicants, noting against his name whether he wishes to take the examination. All applicants will be required to submit certificates of good moral character signed by two well-known persons and a declaration that if appointed they will work as unpaid candidates in the office of the High Court. If a candidate is already in Government service he will also be required to produce the permission in writing of the Head of his office to appear in the examination.

10. *Unpaid candidates.*—From those who qualify at the examination the required number of candidates will be taken, preference being given to those who have passed the Post Matriculation Clerical Course. These, together with such persons as are given direct appointments, will have their names placed on the list of unpaid candidates, and will be appointed, in order of seniority to vacancies as they occur.

11. *Dismissal of unsatisfactory unpaid candidates.*—Any candidate who does not show sufficient aptitude for the work or who fails to comply with the rules and regulations of the office will have his name removed from the list of unpaid candidates.

Translating Department.

12. *Qualifications of candidates.*—Only graduates of a recognised Indian University are eligible for appointment to the Translating Department.

13. *Appointment.*—Two-thirds of the vacancies will be filled by examination and the remaining one-third by direct appointment.

14. *Examination.*—The examination will consist of translation from English into Urdu and from Urdu into English and a high standard will be required. Typewriting is compulsory.

NOTE.—The rules as to applications for appointment and as to unpaid candidates for the General Line shall apply *mutatis mutandis* to the Translating Department.

Judgment Writers.

15. *Qualifications of candidates.*—Ordinarily employees of the High Court and Judgment Writers in the Subordinate Courts will be eligible for appointment as Judgment Writers to the High Court.

16. *Examination.*—Candidates will be required to take an office examination which will consist of dictation of not less than 500 words at a speed of 140 words per minute from—

- (1) a Civil Judgment, and
- (2) a Criminal Judgment,

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of the High Court to be transcribed on a typewriter at a speed of not less than 30 words per minute.

17. *Appointment.*—Appointments will be made from candidates who qualify at this examination or by nomination, if the Judges so desire.

Readers to the Honourable Judges.

18. *Appointment.*—Appointment to a vacancy among the Readers of the Honourable Judges will ordinarily be made from officials in the High Court Clerical Establishment, Readers to District and Sessions Judges and Legal Practitioners.

By order, etc.,
R. B. BECKETT,

Registrar.

HIGH COURT OF JUDICATURE AT LAHORE.

CORRECTION SLIP NO. 81, DATED 2ND JUNE, 1934.

Rules and Orders, Volume I.

Substitute the following for chapters 18-A and 18-B, and re-number chapters 18-C and 18-D as chapters 18-B and 18-C:—

CHAPTER 18.

PART A.

Rules framed by the High Court under section 35 (3) of the Punjab Courts Act for subordinate services attached to Civil Courts other than the High Court.

I. *Application.*—These rules shall apply to the following:—

- (a) Ministerial and menial establishment of District and Sessions Judges, including establishment of Record Offices and Sessions Houses.
- (b) Ministerial and menial establishment of Sub-Judges, stipendiary and honorary.
- (c) Ministerial and menial establishment of Courts of Small Causes.

II. *Classification.*—(a) The following officers, together with such others as the High Court may from time to time direct, shall be considered as ministerial officers, forming a joint cadre:—

- (1) Clerks of Court;
- (2) Readers;
- (3) Record Keepers;
- (4) English and Vernacular Clerks (Ahlmads and Muharrirs);
- (5) Stenographers;
- (6) Translators and Assistant Translators;
- (7) Copy clerks, English and Vernacular;
- (8) Civil Nazirs, District Judge's Nazirs and Madad Naib-Nazirs;
- (9) European and Execution Bailiffs;
- (10) Process-servers.

Nos. 1 to 8 are classed as clerical staff; Nos. 9 and 10 are classed as non-clerical staff.

(b) There shall be a separate cadre for each revenue district and a separate cadre for each Court of Small Causes.

III. *Qualifications.*—(1) No person shall be accepted as a candidate for the clerical ministerial staff if he is over 25 years of age, or if there is no prospect of his getting a permanent Government post, or a post of paid candidate, or a post of section copyist, before attaining the age of 25 years.

(2) No person shall be appointed to, or accepted as a candidate for, any clerical ministerial post, unless he has passed the Matriculation Examination of the Punjab University or an equivalent examination:

Provided that the member of the non-clerical ministerial staff, who joined service before November, 1929, may be appointed to a post of Madad Naib-Nazir, Naib-Nazir or Civil Nazir, if he has shown special ability, has a working knowledge of English and is able to examine and keep accounts:

Provided further that a non-matriculate who joined service before 17th July, 1926, may be appointed to a post of Judicial Moharrir or Ahlmad in any of the courts other than those of the District Judge, and Senior Sub-Judge, if he was actually accepted as a candidate for a clerical post and is otherwise fit for such appointment.

(3) Preference shall be given in the recruitment of new candidates to those who are competent stenographers, and such candidates should be freely employed as court stenographers, while working as unpaid candidates.

(4) No person shall be appointed substantively as a Reader unless he has passed the examination prescribed for appointment of Readers.

(5) No person shall be appointed as process-server or execution bailiff unless he has passed the Lower Middle School examination; provided that the High Court may relax this rule in the case of *ex*-soldiers.

(6) No person shall be appointed Civil Nazir who is not able to keep and examine accounts both in English and in Urdu.

(7) No person who is sickly, old or incapable of much physical exertion, and has not a good knowledge both of Urdu and of the language current in the district of his employment shall be appointed as execution bailiff or process-server.

(8) For posts of menials the officers empowered to make appointments shall appoint the best man, provided that preference be given to *ex*-soldiers competent to do the duties required.

(9) All appointments shall be subject to a medical certificate of fitness.

IV. *First appointments.*—First appointments shall be made as follows:—

(1) *By the District Judge:—*

(a) Ministerial officers in his own Court and in all Courts controlled by the District Court, other than Courts of Small Causes;

(b) Menials in his own Court.

(2) *By the Senior Sub-Judge:—*

Menials in his own Court and the Courts of other Sub-Judges in the same district

(3) *By the Judge of a Court of Small Causes:—*

Ministerial officers and menials in his own Court.

Note.—A District Court may under the provisions of section 37 of the Punjab Courts Act, 1918, with the previous sanction of the High Court, delegate the power of appointment given above to any Subordinate Judge, to be exercised by him in any specified portion of the district, subject to the control of the District Court.

V. *Recruitment.*—(1) Recruitment of ministerial posts shall ordinarily be made either by open competition or by selection from a list of qualified candidates or apprentices accepted by the District Judge, Judge of a Small Cause Court, or Sub-Judge to whom powers of appointment have been delegated, as the case may be. Any departure from either of these methods should be reported to the High Court for confirmation.

(2) No person shall be admitted to work in any Court as an apprentice unless his name is entered on the register of candidates by the written order of the District and Sessions Judge, Senior Subordinate Judge or Judge, Small Cause Court, as the case may be, who shall in addition to the qualifications specified above satisfy himself by personal inspection that each candidate is otherwise qualified and suitable and has adequate means of subsistence. Each apprentice shall have his place and duty distinctly assigned to him in the office and shall work under the supervision of a recognised superior clerk.

(3) When appointment to a permanent post is made from candidates, preference must be given to the senior candidate unless he has shown himself unfit; provided that when candidates, possessing higher educational qualifications for a post, for which an examination standard is fixed, such as graduates, are available, they should be given preference over less well qualified candidates.

VI. *Promotion.*—Appointments to the higher grades of the ministerial establishment should ordinarily be made by seniority from lower grades, provided that the official who would thus receive promotion possesses the prescribed educational qualifications and is otherwise fit to perform the duties to which he will be promoted, for which purpose tests may be imposed. This rule does not apply to such posts as that of stenographer for which special qualifications are needed; but preference should be given to officers with such qualifications who are already working in the lower grades:

Provided that vacancies in posts carrying a starting pay of not less than Rs. 50 shall be filled by District and Sessions Judges in the following rotation:—

(i) By selection on merit out of graduates who have at least two years' experience in the work of the office; if there is no suitable graduate who fulfils this condition an "outsider" graduate may be appointed, but he must be one who normally resides within the jurisdiction of the District and Sessions Judge.

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(ii) & (iii) By normal promotion in the office, i.e., the appointment of the next senior man—whether graduate or non-graduate subject to his fitness.

Note.—For the purpose of complying with the provisions of this rule it is necessary that District and Sessions Judges should recruit graduate freely as candidates giving preference to those residing within their jurisdiction.

VII. Security.—All officers having any dealings with public money or holding posts of particular trust shall on appointment give such security as the High Court may from time to time prescribe.

VIII. Conditions of service.—(1) The establishment other than process-servers mentioned in rule II in each district shall consist of so many posts as High Court may fix from time to time by an order under his rule. The number of posts and the rates of pay of such posts as they stood on 1st April, 1934, are as enumerated in Schedules I—III annexed to these rules.

(2) The remuneration of process-servers and the number of their appointments are governed by rules issued by the High Court under sections 20 and 22 of the Court Fees Act, 1870.

(3) Service shall ordinarily be within the Civil Division within which the officer was first appointed, but may be anywhere within the jurisdiction of the High Court.

(4) Members shall be governed by the provisions of the Fundamental and the Subsidiary Rules as framed from time to time

IX. Punishment.—(1) The following penalties may for good and sufficient reasons be imposed upon members of the ministerial staff :—

- (i) Censure ;
- (ii) Fine of an amount not exceeding one month's salary for misconduct or neglect in the performance of duties ;
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders ;
- (iv) Withholding of increments or promotion including stoppage at an efficiency bar ;
- (v) Reduction to a lower post or time-scale or to a lower stage in a time-scale ;
- (vi) Suspension ;
- (vii) Removal ; and
- (viii) Dismissal.

(2) (a) Any of the above penalties may be inflicted by the District Judge on the ministerial officers of his own Court or any Court subordinate to him other than a Court of Small Causes, and on the menials of his own Court.

(b) The Judge of a Court of Small Causes may inflict any of the above penalties on the ministerial officers or menials of his own Court.

(c) The District Judge may, with the previous sanction of the High Court, delegate to any Subordinate Judge the power to inflict penalties given in clause (a) to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

(d) Any Subordinate Judge may fine, in an amount not exceeding one month's salary, any ministerial officer of his own Court for misconduct or neglect in the performance of his duties.

(e) The Senior Subordinate Judge may inflict any of the above penalties on menials of his own Court or the Courts of other Subordinate Judges in the same district.

X. Appeals.—(1) The District Judge may on appeal or otherwise reverse or modify any order made under rule IX (2) by any Court under his control including a Court of Small Causes and his order shall be final :

Provided that nothing in this rule shall preclude, the High Court from altering where it deems fit any such appellate order of a District Judge on petition by an aggrieved person or otherwise.

(2) Appeals against penalties inflicted by a District Judge shall lie to the High Court in the following case only :—

- (a) Penalties mentioned in Rule IX (iii) to (viii) in respect of ministerial servants, holding permanent and pensionable posts ;
- (b) Orders of substantive appointment by promotion or otherwise to a permanent and pensionable post the maximum pay of which is Rs. 75 or more per mensem ;
- (c) Orders of temporary appointment which is to last more than three months or has in fact lasted more than three months in respect of posts the maximum pay of which is Rs. 75 or more per mensem.

(3) Persons appealing to the High Court under this rule shall do so by petition. Such petition, accompanied by a copy of the order complained against, shall be presented to the District Judge who passed the order within one month of the date of such order (the period between the date of application for the copy and the date on which it is supplied being excluded). The District Judge will forward the petition to the Registrar of the High Court without unnecessary delay, and in forwarding the same he will be at liberty to record any remarks which he may wish to make concerning any matter stated in the petition.

After reading the petition, the High Court may either—

- (a) summarily reject it without hearing the petitioner ;
- (b) refer it to the District Judge for report and on receipt of such report reject the petition without hearing the petitioner, or
- (c) hear the petitioner, and in cases where other persons are held to be concerned in the subject of the petition, such other person in open Court.

Legal practitioners shall not be permitted to appear on behalf of either the petitioner or of any other person concerned either in the High Court or in any further inquiry before the District Judge which the High Court may direct.

Nothing in these rules shall debar the High Court or a District Judge from altering, if it deems fit, any order of punishment not provided for above which may be passed by a District Judge or a Senior Sub-Judge or the Judge of a Small Cause Court in respect of ministerial or menial establishment when an aggrieved person petitions, or otherwise.

(4) Petitioners are forbidden to attend personally at the High Court unless summoned to do so. Orders on their petitions will be communicated to them through the District Judge concerned.

(5) In order that a dismissed official may be able to exercise his right of appeal, the charge against him should be reduced to writing, his defence should either be taken in, or reduced to writing and the decision on such defence should also be in writing. The record of the charge, defence and decision should in all cases be such as to furnish sufficient information to the appellate authority to whom the dismissed official may prefer an appeal.

XI. Appointments, transfers, etc., of Clerks of Court.—(1) All orders in regard to the appointment, suspension or removal of Clerks of Court attached to District and Sessions Judges' offices should be reported to the High Court for confirmation.

(2) A Clerk of Court to the District and Sessions Judge will not be regarded a fixture in a district, but will be liable to transfer under the orders of the High Court from one district to another.

XII. General orders regarding discipline, etc.—Whenever any official (whether paid or unpaid) is personally interested in a case to be heard by the Court to which he is attached he must bring the fact to the notice of the presiding officer.

XIII. Conduct.—Members shall observe the Government Servants Conduct Rules and such other rules as may be framed by the local Government from time to time.

(Correction Slip No. 81-VII-A-27, dated the 2nd June, 1934.)

By order of the Judges,

T. B. CREAGH COEN,

Registrar.

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

SCHEDULE I.

District and Sessions Judges' Courts Establishment as it stood on 1st April, 1934.

Designation of appointment.	Number.	Rates of pay.	REMARKS.
		Rs.	
<i>Clerical.</i>			
Clerks of Court	21	150—5—225	
Readers	24	100—5—175	
Stenographers	24	100—5—150	
English Clerks	21	75—5—100/5—125	
Record Keepers	21	75—5—100/5—125	
Translators	24	75—5—100/5—125	
Assistant Translators	6	40—2—80/2—90	
Ahlmads	24	40—2—80/2—90	
Guardian Clerks	4	30—1½—60/2—70	
Insolvency Muharrirs	1	30—1½—60/2—70	
Copy Clerks	65	30—1½—60/2—70	
Liquidation Clerk	1	75—5—100/5—150	
Paid Candidates	69	Rs. 25 per mensem.	
Total	305		
<i>Process-Serving Establishment.</i>			
Nazirs	21	30—1—50	
Total	21		
<i>Record Office Establishment.</i>			
Inspection Muharrirs	22	30—1½—60/2—70	
Assistant Muharrirs	1	30—1—50	
Total	23		
GRAND TOTAL	349		

SCHEDULE II.

Subordinate Judges' Courts Establishment as it stood on 1st April, 1934.

Designation of appointment.	Number.	Rates of pay.	REMARKS.
<i>Clerks.</i>			
		Rs.	
Clerks of Court	27	75-5-100/5-150	
Readers to Senior Sub-Judges	28	75-5-100/5-125	
Readers to Sub-Judges	123	40-2-80/2-90	
Ahlmads, Guardian Clerks and Insolvency Mubarrirs.	165	30-1½-60/2-70	
Total	343		
<i>Process-serving Establishment.</i>			
Civil Nazirs	30	50-1-70	
Naib-Nazirs	201	30-1-40/1-50	
Madad Naib-Nazirs	103	25 per mensem	
Execution Bailiffs	284	22 per mensem	
Total	618		
GRAND TOTAL	972		

SCHEDULE III.

Small Cause Courts' Establishment as it stood on 1st April, 1934.

Designation of appointment.	Number.	Rates of pay.	REMARKS.
<i>Clerical.</i>			
		Rs.	
Clerk of Court	1	75-5-100/5-150	
Ditto	2	75-5-100/5-125	
Readers to Judges, Small Cause Courts	3	75-5-100/5-125	
Insolvency Clerks	3	40-2-80/2-90	
Readers to Registrars	2	40-2-80/2-90	
Cashiers	2	50-1-70	
Ahlmads	6	30-1½-60/2-70	
Total	19		
<i>Process-serving Establishment.</i>			
Naib-Shariff	2	30-1-40/1-50	
Bailiffs	6	At Rs. 25 per mensem.	
Total	8		
GRAND TOTAL	27		

DISTRICT AND SESSIONS JUDGES.

***4544. Chaudhri Faqir Husain Khan :** Will the Honourable Finance Member be pleased to state the number of statutory agriculturists among the District and Sessions Judges in the province and what steps are being taken to give to statutory agriculturists their due share in the cadre ?

The Honourable Mr. D. J. Boyd : The honourable member is referred to the answer given to Chaudhri Allah Dad Khan's question. No. *4584.¹

COMPLAINTS AGAINST THE POLICE IN HISSAR.

***4545. Lala Jyoti Prasad :** Will the Honourable Finance Member kindly state—

- (a) whether a note under the heading " Hansi ke halat " appearing in the weekly *Haryana Bandhu*, Jakhhal, dated the 22nd February 1935, has come to the notice of the Government ;
- (b) whether the local police has done anything in the matter mentioned in the note referred to above ;
- (c) if so, with what results ;
- (d) if not, what action Government proposes to take in the matter to find out the culprits ;
- (e) whether any enquiry was made into the complaints against the Police referred to in this note by the Honourable Chief Justice or by the Government ;
- (f) if the answer to (e) be in the affirmative, what was the result of that enquiry ;
- (g) if the answer to (e) be in the negative, what steps, if any, Government is prepared to take in order to make a thorough enquiry into these complaints ?

The Honourable Mr. D. J. Boyd : (a), (b) and (c) Government had not previously seen the newspaper paragraph, but as a result of this question a copy of the *Haryana Bandhu* was obtained by the Hissar district police and inquiries made. Chhaju Ram and his son, Chhabil Das, the alleged victims, both deny all knowledge of the affair. The newspaper report thus appears to be entirely without foundation.

(d) Does not arise.

(e), (f) and (g) Government have no knowledge of any representation made by any Bar Association in this connection.

AHLMAD, CIVIL COURT, HISSAR.

***4546. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) whether his attention has been drawn to the note *Ahlmad ki daleri* appearing in the weekly *Haryana Bandhu*, Jakhhal, dated the 22nd February 1935 ;
- (b) if so, what action has been taken against the ahlmad concerned and with what result ?

The Honourable Mr. D. J. Boyd : (a) Government have now seen the newspaper paragraph to which reference is made.

(b) The Senior Subordinate Judge, Hissar, who conducted a departmental inquiry into the matter, found that the conduct of the ahmad concerned had been negligent but not dishonest. The ahmad was accordingly suspended by the District Judge for a term of six months.

ABDUCTION OF MINOR GIRLS IN HANSI.

***4547. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) whether a note from a correspondent under the heading *Hansi men sattu ka zor, Kamsin larkion ka aghwa, Ek burhya ka katal*, appearing in the Urdu daily *Wattan*, Delhi, dated the 30th March 1985, has come to the notice of the Government ;
- (b) if the answer to (a) be in the affirmative, whether Government has made any enquiries into the allegations made therein and with what result ;
- (c) if the answer to (a) be in the negative, whether Government is prepared to make enquiries into these allegations and to take action, if needed ;
- (d) whether it is a fact that two minor girls were kidnapped some three months ago in broad daylight from Hansi town in the Hissar district ;
- (e) whether it is a fact that the police has not been able to get any clue of these girls yet ;
- (f) what steps, if any, Government proposes to take to trace the culprits and the missing girls ;
- (g) whether it is a fact that a deputation of leading citizens of Hansi waited upon the District Magistrate and Superintendent of Police, Hissar district, in this respect ?

The Honourable Mr. D. J. Boyd : (a) Government have now read the paragraph in question.

(b) Enquiries have been made, with the following results :—

- (i) No complaints regarding *Satta* gambling have been received by any member of the public, nor has any case come to the notice of the local police.
 - (ii) A complaint was made to the police on the 18th January last that two minor girls had been kidnapped from Hansi. During the last few days two girls, believed to be those in question, have been traced in Fazilka. The enquiry is being vigorously pressed.
 - (iii) The death of an old woman was reported at the Hansi police station on the 16th March, 1985. A regular inquest was held into the cause of death. The inquest established that the woman's death was due to suicidal hanging.
- (c) Does not arise.
- (d), (e) and (f) The honourable member is referred to the reply to part (b) above.
- (g) Yes.

SUB-INSPECTOR OF POLICE AND HIS STAFF, CITY POLICE STATION,
HANSI.

***4548. Lala Jyoti Prasad :** With reference to part (c) of my starred question No. 3695,¹ dated the 25th October, 1934, will the Honourable Finance Member kindly state—

- (a) whether the allegations have been enquired into by the Superintendent of Police ;
- (b) whether after enquiry a report has been made to the Government ; if so, whether he will lay a copy of it on the table ;
- (c) what action, if any, Government has taken or proposes to take in the matter ?

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

(b) No. The enquiry showed that no one was prepared to come forward to substantiate the allegations.

(c) Does not arise.

ADMINISTRATION OF LABOUR SUBJECTS.

***4549. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state the action taken by the Government on the assurance given to me by the Honourable Mr. (now Sir) Miles Irving in this House on the 15th March, 1934, as regards the co-ordination and centralisation of the administration of labour subjects in the Province ?

The Honourable Nawab Muzaffar Khan : Labour subjects are mostly entrusted to the Director of Industries, with the Secretary, Electricity and Industries as Administrative Secretary and the Honourable Member, Revenue, as member in charge. No administrative inconvenience has been experienced from the existing arrangements and Government are not at present disposed to alter them.

Mr. M. A. Ghani : Is the Honourable Revenue Member aware that the Royal Commission on Labour made a specific recommendation that the Chief Inspector of Factories should not be under the Director of Industries ?

The Honourable Nawab Muzaffar Khan : I shall look into the question if I receive notice.

EXAMINATION OF A GIRLS' SCHOOL BY A PROFESSOR OF THE PUNJAB
UNIVERSITY.

***4550. Mr. M. A. Ghani :** Will the Honourable Minister for Education be pleased to state—

- (a) whether his attention has been drawn to an article published in the daily *Ihsan*, Lahore, dated the 15th April, 1935, complaining against the conduct of a certain professor of the Punjab University as regards an examination held by him of a certain girls' school in Lahore ;
- (b) if so, (i) the name of the professor, (ii) the name of the girls' school concerned, and (iii) the subject matter of the complaint contained in the article mentioned in (a) ;

- (c) what action has been taken against the professor ;
 (d) if the answer to (c) be in the negative , the reasons for not taking any action ?

The Honourable Malik Sir Firoz Khan Noon : (a) The daily *Ihsan*, Lahore, dated the 15th April, 1935, does not contain any article complaining against the conduct of any professor of the Punjab University as regards an examination held by him of a girls' school in Lahore.

(b), (c) and (d) do not arise.

I sincerely hope that the honourable member will, when asking a similar question in future, be sure of his facts and thereby save himself and the Department a great deal of trouble and expense. I have carefully gone through *Ihsan*, dated 15th April, 1935 and find no reference to the facts mentioned in this question.

Mr. M. A. Ghani : I may inform the Honourable Minister that I gave the correct date of the Daily, but the Council office* might have given a wrong date.

LALA CHUNI LAL, CLEARING OFFICER, GOVERNMENT PRESS, LAHORE.

***4551. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Lala Chuni Lal, Clearing Officer, Punjab Government Printing Press, Lahore, was due to retire on the 31st December 1934 ;
 (b) whether it is a fact that he has been re-employed in the Press after his retirement ;
 (c) if so, the reasons for his re-employment ?

The Honourable Nawab Muzaffar Khan : (a) Lala Chuni Lal left the Government Press on the 31st December, 1934, and proceeded on three months' leave. He retired from service with effect from the 1st April, 1935.

(b) He has not been re-employed in the Government Press after retirement.

(c) Does not arise.

LALA CHUNI LAL, CLEARING OFFICER, GOVERNMENT PRESS, LAHORE.

***4552. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Punjab Government Printing Press Workers' Union, Lahore, made any representation to the Punjab Government on the 22nd August, 1934, as regards the then proposed extension of service to Lala Chuni Lal, Clearing Officer, Punjab Government Printing Press, Lahore ;
 (b) if so, what action was taken on the said representation ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) None.

Mr. M. A. Ghani : Will the Honourable Member please state the reasons for not taking action on the representation ?

The Honourable Nawab Muzaffar Khan : Because no action was called for.

LALA CHUNI LAL, CLEARING OFFICER, GOVERNMENT PRESS, LAHORE.

*4553. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

(a) the age of Lala Chuni Lal, Clearing Officer, Punjab Government Printing Press, Lahore, on the 31st December, 1934 ;

(b) the number of times he has been given extension of service ;

(c) the reasons for giving him extension for each of these times ?

The Honourable Nawab Muzaffar Khan : (a) 60 years, 8 months 28 days.

(b) He was retained in service after the age of 55 and up to the age of 60 in accordance with the ordinary rules, as he continued to be efficient. After he attained the age of 60 his service was extended first for 6 months and then for 2 months and 28 days.

(c) Numerous changes in the superior staff of the Press made it desirable for Government to retain the services of this very experienced officer for some months after he had attained the age of 60.

Mr. M. A. Ghani : Is it a fact that he was given extension more than six times ?

The Honourable Nawab Muzaffar Khan : If the honourable member will please see my reply he will find that it explains the position clearly.

VETERINARY ASSISTANTS AND VETERINARY ASSISTANT SURGEONS.

*4554. **Mr. M. A. Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

(a) whether it is a fact that there are two kinds of veterinary assistants in this province, namely, (i) veterinary assistants, and (ii) veterinary assistant surgeons ;

(b) if so, what is the difference in their (i) qualifications, (ii) grades, (iii) nature of their official duties ;

(c) the reasons for the difference or differences (if any) mentioned in (b) ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) (i) Veterinary Assistant Surgeons are normally graduates of the Lahore Veterinary College, while Veterinary Assistants are Licentiate Veterinary Practitioners.

(ii) Veterinary Assistant Surgeons—

Rs. 100—10—300 reduced provisionally to 100—7½—145.

Veterinary Assistants—

Grade I—Rs. 90 ; Grade II—Rs. 75 ; Grade III—Rs. 60.

(iii) No difference ;

(e) Graduates of the Lahore Veterinary College have undergone a longer and more comprehensive course than the L. V. Ps. and the more highly qualified man naturally claims a higher grade of pay and if vacancies exist, he gets it.

REDUCTION IN COURT-FEE AND STAMP DUTY.

***4555. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that different District Bar Associations which waited upon the Honourable Chief Justice of the High Court of Judicature at Lahore, during his extensive tours in this province ever since his appointment, represented to him for the reduction of court-fees and stamp duties ;
- (b) if so, what action has been taken on those representations ;
- (c) if the answer to (b) be in the negative, the reasons for not taking any action.

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

(b) The matter is under consideration.

(c) Does not arise.

SEATING ARRANGEMENTS IN COURTS FOR LITIGANTS.

***4556. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that there are no seating arrangements (i) in and (ii) outside the courts in this province for the litigants and their witnesses, &c. ;
- (b) whether it is a fact that the litigants and witnesses, &c., are put to a lot of trouble on account of there being no seating arrangements within the precincts of the courts ;
- (c) if so, what action has been taken by the Government to remove the trouble ;
- (d) if answer to (c) be in the negative, the reasons for not taking any action ?

The Honourable Mr. D. J. Boyd : (a) Benches for the use of parties and witnesses are already provided outside most of the courts in the province. In many cases seating arrangements also exist inside the court rooms.

(b), (c) and (d) Government are not aware that there is any general complaint on this score. They have, however, long recognised the desirability of providing facilities of the kind here in question and hope gradually to rectify deficiencies as funds permit.

Mr. M. A. Ghani : Will the Honourable Finance Member kindly state whether he is aware that there are no seating arrangements in or outside the Lahore courts ?

The Honourable Mr. D. J. Boyd : I am afraid I will require notice of the question.

Mr. M. A. Ghani : May I know in what districts there are seating arrangements and in what districts there are no seating arrangements ?

The Honourable Mr. D. J. Boyd : I must require notice of that question.

ACTION TAKEN BY GOVERNMENT AGAINST CORRUPT OFFICIALS.

***4557. Mr. M. A. Ghani :** Will the Honourable Member for Finance be pleased to lay a statement on the table showing the action taken by the heads of different Government departments and institutions against the corrupt officials in this province for the year ending 31st March, 1935 ?

The Honourable Mr. D. J. Boyd : It is hoped that the statement will be laid on the table of the House during the present session. It is ready except for two entries which have to be verified.

NON-OFFICIAL VISITORS FOR THE INSPECTION OF GOVERNMENT DEPARTMENTS AND INSTITUTIONS.

***4558. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state the names of the Government departments and institutions for the inspection or visiting of which non-official visitors are appointed ?

The Honourable Mr. D. J. Boyd : Non-official visitors are appointed for the following Government institutions :—

- (1) All jails in the Punjab.
- (2) The Borstal Institution, Lahore.
- (3) The Punjab Mental Hospital, Lahore.
- (4) The Mayo Hospital, Lahore.
- (5) All provincialised Civil Hospitals.

There are also non-official members on the committees of the following educational institutions :—

- (1) The Advisory Committee of the Queen Mary College, Lahore.
- (2) The Inspection Committee for Government Colleges for Women.
- (3) The Committee for the management of the Government Hindu Widows' Home, Lahore.

ADMISSION TO LAW COLLEGE, LAHORE.

***4559. Mr. M. A. Ghani :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that graduates who pass their B.A. examination after taking a diploma in some oriental language are not allowed to join the Law College, Lahore ;
- (b) whether it is a fact that science and agriculture graduates are allowed to join the College ;
- (c) if so, the reasons for not allowing the graduates mentioned in (a) to join the Law College and reasons for allowing the graduates mentioned in (b) to join the said College ?

The Honourable Malik Sir Firoz Khan Noon : (a) They are eligible for admission to the Law College, Lahore, for the F. E. L. class, provided they have passed the B. A. Examination in English only, after

passing the Honours Examination in a classical language, e. g., Arabic, Persian, Sanskrit.

(b) Yes.

(c) Does not arise.

Mr. M. A. Ghani : Do I understand that these graduates are eligible for admission into the F. E. L. but not into the LL. B. class ?

The Honourable Malik Sir Firoz Khan Noon : I require notice of the question.

HIGH COURT CALENDAR.

***4560. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

(a) whether the High Court of Judicature at Lahore issues any calendar each year for the use of the courts in the Punjab ;

(b) the approximate date on which it is published every year ;

(c) whether it is a fact that the list of the local holidays in the different districts of this province is not given in the calendar for 1935 ;

(d) reasons for not giving the list mentioned in (c) ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) October.

(c) Yes.

(d) The list is separately notified in the *Punjab Gazette* in November or December every year.

OPERATION OF THE CRIMINAL TRIBES ACT IN HISSAR.

***4561. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

(a) the number of convictions of the members of the following tribes of the Hissar district for the years 1929, 1930, 1931 or if statistics permit for subsequent years :

Hindu Jats, Muslim Jats, Hindu Rajputs, Muslim Rajputs, Muhammadans, Brahmans, Sikhs, Jains, Mahajans, Heris and Bawaris ;

(b) whether it is a fact that the Deswali Bawaris of the Hissar district submitted a representation to the Superintendent of Police or to the Deputy Commissioner, Criminal Tribes, for being excluded from the operation of the Criminal Tribes Act ;

(c) if so, what action has been taken ;

(d) whether he will lay a copy of the representation on the table ?

The Honourable Nawab Muzaffar Khan : (a) No records are maintained classifying persons convicted in the criminal courts by tribes or religions. The collection of the information required by the honourable member would entail an expenditure of time and money out of proportion with the result to be secured.

(b) No such representation was received either by the Superintendent, Police, Hissar, or the Deputy Commissioner for Criminal Tribes.

(c) and (d) Do not arise.

OPERATION OF THE CRIMINAL TRIBES ACT IN HISSAR.

***4562. Lala Jyoti Prasad :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that in the year 1933 or 1934 the Deputy Commissioner, Hissar, recommended the case of the Heris of the Hissar district, for exemption from the operation of the Criminal Tribes Act ;
- (b) whether it is a fact that this recommendation was made after a thorough enquiry by all the tahsildars of the district ;
- (c) if the answer to the above be in the affirmative, what action, if any, was taken by the Government ?

The Honourable Nawab Muzaffar Khan : (a) A proposal of the kind described was made by the Deputy Commissioner, Hissar, to the Deputy Commissioner for Criminal Tribes in 1933, but the lists of the Aheris in certain tahsils being at that time incomplete consideration of the case had to be postponed.

(b) Yes.

(c) The registration of 344 of these Aheris has lately been cancelled by the District Magistrate. The cases of the remainder are now under examination by the Deputy Commissioner for Criminal Tribes. As soon as the examination has been completed the question will be considered by Government whether the notification declaring these Aheris as a criminal tribe should not be cancelled.

OPERATION OF THE CRIMINAL TRIBES ACT IN HISSAR DISTRICT.

***4563. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that a good number of Aheris called Naiks live in the town of Bhiwani and have pucca houses and there is no conviction against them ;
- (b) whether it is a fact that the Deputy Commissioner, Criminal Tribes, visited the mohalla of these Naiks of Bhiwani in 1931 or 1932 ;
- (c) whether it is a fact that more than 80 per cent. of these Naiks possess houses ;
- (d) the percentage of those convicted in 1934 and their population in Bhiwani town ?

The Honourable Nawab Muzaffar Khan : (a) Yes. One of these Naiks was convicted in 1931.

(b) Yes, in 1932.

(c) Yes.

(d) The total number of Naiks in the town of Bhiwani is 267. There were no convictions among them in 1934. Out of the 267, 73 were originally registered under the Criminal Tribes Act, 1924, but the registrations of all of them, except the person referred to at (a) above, have since been cancelled.

DRINKING WATER IN HISSAR DISTRICT.

*4564. **Lala Jyoti Prasad :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the District Board, Hissar, formed a sub-committee of its members in 1934 for devising means to alleviate the sufferings of the people of rural areas in the Hissar district in regard to drinking water and to take steps for a better supply of water ;
- (b) if so, whether he will lay a copy of that resolution on the table ;
- (c) what steps have already been taken by the above sub-committee in this connection ;
- (d) whether it is a fact that the Relief Committee, Hissar, also submitted a representation to the Government for granting relief to the people of the rural areas of the district in regard to drinking water ;
- (e) what steps, if any, Government has taken on the above representation ;
- (f) whether the Government has appropriated a reasonable amount of money for this purpose ;
- (g) if so, the amount so appropriated ;
- (h) whether the Government has received any representation from the District Board, Hissar, also for helping the Board in this matter ?

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

(b) A copy of the District Board's resolution on the subject is laid on the table.

(c) The sub-committee has decided in the first place to concentrate upon the Bagar tract of Bhiwani and Sirsa tahsils and has collected through the Tahsildars concerned the necessary information regarding suitable places for digging *johars* and *kunds* in that tract. Inquiries have also been made by the sub-committee from the Sanitary Board about the possibility of their accepting applications for grants-in-aid for such schemes, and arrangements are now in progress for the preparation of some specimen estimates of the cost of making pucca (open) *johars* for storing water in a village.

(d) Yes.

(e) It has been ascertained that the scarcity of drinking water is felt in about 280 villages in the Hissar district, and the Public Health Department is now considering ways and means to provide those villages with potable water. A scheme for the supply of canal water in village ponds for drinking purposes was considered by the Sanitary Board in March, 1935, and a grant-in-aid of Rs. 6,000 was sanctioned by Government for the construction of channels for the purpose. But owing to certain technical objections raised by the Public Works Department, the proposed scheme has been held up, and will again be considered by the Sanitary Board at its next meeting. By this scheme some 80 villages would be benefited.

[Hon. Malik Sir Firoz Khan Noon.]

- (f) The total possible cost has not yet been estimated.
- (g) Does not arise.
- (h) No.

Copy of Hissar District Board resolution No. 27, dated the 30th August, 1934.

27. Put up proposal from Pandit Thakar Dass, Member, District Board, and seconded by Chaudhri Suraj Mal, Junior Vice-Chairman, that in many villages of the Bhiwani, Sirsa and Fatehabad tahsils of the Hissar district there is very great complaint and inconvenience in regard to drinking water for men and cattle, the wells being very deep in these areas, water being brackish and quantity of sweet sub-soil water being scanty, as a consequence of which diseases break out among men and cattle, this meeting of the District Board resolves to constitute a special sub-committee consisting of the Chairman, the Senior and Junior Vice-Chairmen, Civil Surgeon, the District Medical Officer of Health, Chaudhri Sheo Ram, Chaudhri Harcyal, Chaudhri Mohabat Singh and Pandit Thakar Dass Bhargawa with powers to co-opt other members if necessary—

Resolution adopted with the addition to the committee of the following :—

Chaudhri Ganga Ram and
Lala Jyoti Prasad,
M. L. C.

All members agree to work without travelling allowance.

- (1) To investigate in what villages such trouble exists.
- (2) To suggest and find out what kinds of well, tank, ~~land~~ or other means are suitable to remove the difficulty of water in these areas.
- (3) To provide ways and means of removing this difficulty by endeavouring to obtain special grants from the Government, contribution from the District Board, public subscriptions and general help, personal labour or otherwise from the village people of the areas concerned.

DISMISSAL OF PHUNDAN LAL, PATWARI.

*4565. **Lala Jyoti Prasad** : Will the Honourable Revenue Member be pleased to state—

- (a) when Phundan Lal, Patwari of halqa Kharak Kalan, in the Rohtak division, of the Western Jumna Canal, was dismissed and for what fault ;
- (b) whether the said patwari was served with a notice of warning before his dismissal ;
- (c) whether it is a fact that this patwari has been earning his bonus for good work for every harvest till the time of his dismissal ;
- (d) if the answer to (c) be in the affirmative, whether dismissal was considered to be the only punishment to be due to him ;
- (e) for how long he had served the department and when his retirement was due ;
- (f) whether the patwari concerned filed an appeal to the Superintending Engineer, Delhi Circle, against the order of his dismissal ; if so, with what result ;
- (g) whether the patwari was given an opportunity to be heard in person by the appellate officer ?

The Honourable Nawab Muzaffar Khan : (a) The services of Phundan Lal, Patwari, were terminated on one month's notice on 26th June, 1933, for continued inefficiency.

(b) Yes.

(c) No.

(d) Does not arise.

(e) 25 years, 5 months and 5 days during which period he was once dismissed but later was re-appointed. He was due to retire in 1935.

(f) Yes, in 1933, and he was informed with Superintending Engineer's No. 599, dated 27th January, 1934, that it was not proposed to retain his services.

(g) Yes, on a further appeal on 19th December, 1934.

Mr. M. A. Ghani : What are the reasons for the patwari not being heard in appeal?

The Honourable Nawab Muzaffar Khan : Have you read the reply to part (g)?

Mr. M. A. Ghani : I understood the Honourable Revenue Member saying that the patwari was quite inefficient and also that he earned his bonus?

The Honourable Nawab Muzaffar Khan : I never said that he earned his bonus.

DRAINAGE IN GARHI SHAHU.

*4566. **Mr. M. A. Ghani :** Will the Honourable Minister for Education be pleased to state—

(a) whether any deputation on behalf of the inhabitants of Garhi Shahu near Lahore waited on the Deputy Commissioner Lahore, as regards the absence of any adequate arrangement for the drainage of the dirty water there ;

(b) if so, what action was taken by the Deputy Commissioner in this respect ?

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

(b) The Deputy Commissioner, Lahore, visited the spot and having found the condition of the abadi to be very insanitary, wrote to the Executive Officer, Lahore, directing him to take prompt measures for the satisfactory drainage of the area.

SHORT NOTICE QUESTION AND ANSWER.

Mr. M. A. Ghani : Will the Honourable Finance Member kindly refer to the answer given to the starred Council question No. 2083,¹ put by Khan Haibat Khan Daha in the year 1932, and state whether Government has come to any decision regarding the restoration of the mosque at Sohna in Gurgaon district to the Muslims of the locality?

The Honourable Mr. D. J. Boyd : It has been decided that the mosque and connected buildings should be handed over to the Anjuman-i-Islamia, Sohna, together with the site measuring 1·25 acres. This will be effected as soon as the necessary formalities have been completed.

Diwan Bahadur Raja Narendra Nath : What are the necessary formalities ?

The Honourable Mr. D. J. Boyd : Perhaps some agreements and things of that sort.

UNSTARRED QUESTIONS AND ANSWERS.

PENSIONS.

1165. Professor W. Roberts : Will the Honourable Finance Member please state whether Government proposes to consider the feasibility of fixing the maximum pensions when revising rates of pay for entrants to the services ?

The Honourable Mr. D. J. Boyd : The maximum limits of pensions are already prescribed in Articles 474 and 474-A, Civil Service Regulations, and it is not proposed to revise them.

AGRICULTURAL FARMS.

1166. Professor W. Roberts : Will the Honourable Minister for Agriculture please state—

- (a) the number of district farms under his Department ;
- (b) the number, if any, of these where experimental work is done ;
- (c) whether he proposes to set aside some part of each farm for experimental work, so as to protect the zamindars from being expected to try untested improvements ?

The Honourable Sardar Sir Jogendra Singh : (a) The number of district agricultural farms, proper, is thirteen, and in addition there is an area of 10 acres at Kangra ;

(b) No part of any district farm is being used for general experimental work but a portion of the following four farms is being used for investigation of particular problems as shown against each :—

- (1) Rohtak Farm .. Utilised for dry farming research.
- (2) Campbellpur Farm Half the area is used for experimental work on Gram Blight.
- (3) Ludhiana Farm .. About one-third of the area is used for research on oilseeds.
- (4) Karnal Farm .. Half the area has just been allotted for sugarcane research.

(c) Prior to retrenchment in 1931 half the area of each of these fourteen district farms was used for experimental purposes, but on account of financial stringency the whole area was leased out to tenants on batai. The past three years' experience has shown that these farms cannot be used to the best advantage of the district by the present system. In addition, the

research staff finds great difficulty in obtaining the necessary facilities to carry out local tests of improved seeds and improved methods. The Director of Agriculture, Punjab, intends to submit to Government for consideration proposals to resume half the area of each district farm for experimental purposes.

AGRICULTURAL SCHOOLS.

1167. Professor W. Roberts: Will the Honourable Minister for Education please state the number of English and Vernacular schools in the Punjab which gave instructions in Agriculture in 1925 and in 1935?

The Honourable Malik Sir Firoz Khan Noon: The information is noted below:—

	1925.	1935.
Vernacular schools	78	209
Anglo-vernacular schools	9	23
	82	232

Besides these schools there are a number of schools in which agriculture is taught, though they have not been formally recognised for teaching the subject.

REVENUE SETTLEMENT.

1168. Professor W. Roberts: Will the Honourable Revenue Member please state in connection with the new Revenue settlement proposals what basic or mean price he intends taking for wheat, cotton and toria, and if possible, how he arrives at the figures?

The Honourable Nawab Muzaffar Khan: If the honourable member refers to the Lyallpur Settlement a copy of a *communiqué* recently issued by Government is laid on the table. The Settlement Officer's proposals are given in the schedule attached to the *communiqué*. They have not been sanctioned by Government yet.

COMMUNIQUE.

In the course of a speech which His Excellency the Governor made at Lyallpur on the 15th of December, he described briefly the system of land revenue assessment which the local Government propose to adopt in the tract under settlement in the Lyallpur district and the Rakh Branch circle of the Sheikhpura district. He stated that a *communiqué* would shortly issue on this subject. The Settlement Officer, in accordance with the Land Revenue Assessment Rules, has now published a vernacular abstract of the prices which he proposes to adopt for the purposes of assessment. An English translation of that abstract is attached to this *communiqué* and the local Government are taking the opportunity of the publication of the proposed commutation prices to explain the policy which they intend to follow, and to remove any misunderstandings which may otherwise arise in regard to it.

2. One of the most important factors which determine the assessment of land revenue is the value of agricultural produce. The practice in the past has been to take the average of the prices of each crop over a period of years, and to assume that the average thus obtained would, subject to certain corrections, represent roughly the price that would prevail during the future period of settlement. No change was then made in the land revenue rates on account of fluctuations in prices during the period of settlement.

This system worked satisfactorily so long as big changes in prices did not occur. When prices rose to unprecedented heights during and after the War, the system worked in favour of the revenue payer. Under the law, Government could not increase land revenue during the

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currency of a settlement merely because prices had gone up and the incidence of land revenue became comparatively light. The position changed when the slump in prices set in. Land revenue payers found it difficult to meet their dues, especially in those districts which had been re-assessed during the boom years and for which the commutation prices had been fixed at comparatively high levels. Government had to come to their help, and they have given liberal relief each harvest in the form of special remissions to meet the fall in the price of agricultural produce. In the districts not brought under re-assessment they intend to continue such special remissions so long as conditions require.

3. There remained the problem of how to re-assess those districts which were due for re-assessment. Where the assessment was light and had been fixed when prices were low, it was usually in the interest of the revenue payer to postpone re-assessment. In a district like Lyallpur where the assessment had been made when prices were high, temporary relief was and is being given in the form of special remissions, but it was considered fair to the revenue payer to devise means of permanent relief at the conclusion of the current settlement. As announced by Sir Geoffrey deMontmorency in a Durbar at Lyallpur on March 25th, 1933, Government, therefore, decided to re-assess the district and re-settlement operations are now in progress.

The most important matter which Government had to decide was how to deal with the question of prices. The new settlement will be for a period of 40 years. No one can say at present how prices are likely to move during that time. At present they are very low. Forces which at present cannot be foreseen may cause them to fall still lower. On the other hand, there is reason to hope that they will rise. During the long space of 40 years, history may repeat itself, and there may be cycles of very high prices and of very low prices. No one can say what is likely to happen. It would certainly be very unsafe to assume that a certain scale of prices is likely to continue for 40 years. If a high scale of prices were taken and revenue rates fixed accordingly for 40 years, it would not be fair to the revenue payer. If a low scale of prices were similarly taken, it would not be fair to the Government of the future. The probability of wide fluctuations in prices is a factor which Government have to take into account.

4. After very careful consideration the Punjab Government have decided to adopt a system of assessment which will make the demand each harvest dependent on prices. The details of the scheme are given later. This system was recently introduced in the re-assessment of the Lower Bari Doab Canal Colony and is working well. Its chief features are the following:—

- (1) The commutation prices proposed to be fixed by Government have been worked out in accordance with the revenue law on the average of 20 years.
- (2) Average revenue rates will be worked out according to those prices, and will determine the average rate for the assessment circle as a whole.
Within the assessment circle the revenue rates will vary, as at present, in accordance with the class of land and other factors. They will in some cases be higher than the average rate. In other cases they will be lower.
- (3) The revenue rates as finally announced for a particular square will represent the maxima which Government can take in any circumstances during the period of 40 years.
- (4) Government will not take these maxima rates unless the general level of prices is at least as high as that represented by the prices given in the schedule attached.
- (5) If in any year the general level is higher than that represented by the schedule, the revenue payers will be given the full advantage of the excess.
- (6) If in any year the general level of prices is lower than that represented by the schedule, a remission in the revenue rates will be given the following year proportionate to the difference.
- (7) However great the difference may be, Government will give a corresponding remission. While Government will be bound not to exceed the maxima rates as fixed, they will give to the revenue payer the full benefit of the fall in prices, however great that may be.
- (8) It follows that the prices given in the schedule are, at present, paper prices, and that they will remain paper prices unless and until actual prices are equally high or higher.

5. It will generally be realized that the above system involves a revolutionary change in the methods of assessment, and that the change is entirely in the interest of the land revenue payer. It means that the revenue rates will be adjusted to the level of prices; that, however great the slump in prices may be, the relief will be proportionate; that the revenue payer will in no circumstances, be asked to pay more than the maxima rates, and that he will have to pay these only if prices justify them.

On the other hand, and subject to what is said in paragraph 7 below, Government will gain up to the maximum as prices rise. There seems at present no prospect of that maximum being reached, and the present Government could have served their own interests equally had lower commutation prices been proposed. The prices proposed are in accordance with the revenue law of the province, and will secure for future Governments their fair share if prices reach, but do not exceed, those levels during the next 40 years. The prices assumed for the tract under settlement are higher than those assumed for the Lower Bari Doab Canal Colony, because the settlement of the latter is for 10 years only, whereas that of the former will be for 40 years. If actual prices do not reach the levels assumed, the revenue payer will obtain corresponding remissions.

6. Some of the details of the scheme may now be explained.

(1) The market prices of one year will determine the remissions to be given the next year. The reason for this is that instalments of land revenue are realized before the marketing of the crops is complete, and it is, therefore, impracticable to work out the scale of remissions on the prices prevailing for the current year.

(2) In deciding what prices were current in the year previous to the grant of remissions, Government will ascertain from leading firms the average daily prices actually prevailing in certain *mandis* of the tract under settlement during the following periods of the year :—

Cotton	..	..	..	..	November to February (inclusive).
Gur	..	..	..	..	December to March (inclusive).
Toria	..	..	..	..	January to February (inclusive).
Wheat	..	..	..	..	May 15th to September 15th.
Gram	..	..	..	..	April 15th to August 15th.

(3) From the average daily price thus obtained appropriate amounts in annas per maund will be deducted on account of transport and marketing charges, so that the average price obtained for each crop finally will represent the average current price in the villages.

(4) The percentage of remission to be given in any harvest will be calculated by Government and will be the same throughout the tract under settlement. The scale of remissions will be in units of 5 per cent., that is to say, they will be 5 per cent., 10 per cent., 15 per cent., or 20 per cent., etc., on the demand for each holding as calculated in accordance with the sanctioned rates of that holding.

(5) The percentage of the remission to be given will be announced each harvest and the revenue establishment in calculating the demand on each holding for that harvest will first calculate the demand at sanctioned rates; they will deduct therefrom the sanctioned amount of remission, and will show the balance as the net demand to be realized. The revenue payer will be entitled to see the calculations.

(6) In calculating what remission is due for a particular year Government will bring three factors into their calculations :—

- (i) The percentage of the total matured area under each important crop.
- (ii) The average yield per acre of each of those crops.
- (iii) The commutation price assumed for each of those crops.

By multiplying these figures together, Government will obtain an index figure. They will then calculate a corresponding index figure for the year previous to that for which remissions are to be given. Unless there are exceptional reasons to the contrary, it will be assumed that the percentage of crops remains constant, and that the average yield per acre is also constant. They will, however, take the prices as determined by the calculations given in sub-paragraphs (2) and (3) above. We will suppose that the standard index figure is 1,000, and that index figure according to the new prices is 600. The remission given will then be 40 per cent. Each year a new index figure will be calculated and the amount of remission will depend on the level of prices during the previous year.

7. In what has been said above, it has been assumed that the commutation prices, as sanctioned, will give for each assessment circle, in accordance with the standard of one quarter net assets, revenue rates which are not on the average more than 25 per cent. in excess of the revenue rates imposed at last settlement. Under the law as it stands at present, Government cannot impose revenue rates in an assessment circle as a whole, which are more than one quarter in excess of those imposed at last settlement; and unless the law is amended in this respect before the assessment is announced, this provision will impose an independent limit to the maxima rates which Government can fix. If, therefore, the sanctioned commutation prices give rates which are more than 25 per cent. greater than the rates imposed at last settlement, Government will have to reduce the rates accordingly. In that case it will be necessary to reduce the settlement index figure proportionately. Supposing, for instance, that the settlement index figure

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is 1,000, but that the commutation prices on which that index is calculated give for a particular assessment circle theoretical rates which are 10 per cent. more than Government can impose under the existing law, then the settlement index figure will also be reduced by 10 per cent. and will be taken as 900, instead of 1,000.

8. Although the new system will be quite simple to work, some revenue payers may have difficulty in understanding it at first. Government have, therefore, given instructions to the Settlement Officer that he should explain it freely to the people, and that he should receive any deputations who may wish to ask any questions regarding it. Government welcome the fullest discussion of it, since they are convinced that it will be generally recognised as the most important change made in the interests of the revenue payer for many years. They are confident that it will be generally welcomed by the people of the tract under settlement.

SCHEDULE.

Abstract of the proposal regarding commutation prices to be used in the settlement now in progress in the Lyallpur district and Rakh Branch Circle of Sheikhpura district.

Rule 4 of the Land Revenue Assessment Rules, 1929, requires that before determining commutation prices which he intends to use for purposes of the produce estimate, a Revenue Officer in charge of settlement operations shall among other data available to him scrutinize the following :—

- (a) shopkeeper's books in selected villages;
- (b) harvest prices for each assessment circle reported by the field kanungo for entry in the circle note-books;
- (c) harvest prices published in the Gazette;
- (d) prices obtaining in markets; and
- (e) prices obtained by estates under the Court of Wards and by large proprietors for their produce.

A most careful scrutiny of all these documents has been made. So far as source (b) is concerned, the prices of commodities are those prevailing at harvest time. Similarly in the case of source (a) shopkeepers determine one price for a particular commodity a short time after the harvest is ready, and it is on that one fixed price that all transactions take place between zamindars and shopkeepers. As regards markets, enquiries have been made from Lyallpur, Jaranwala, Toba Tek Singh, Gojra, Tandlianwala, Chak Jhumra and Sangla mandis. These enquiries have covered (i) the period from 16th November to 1st March for *khari* staples and toria; (ii) the period from 15th May to 1st August for the remaining *rabi* staples. It is during these periods that zamindars generally sell their produce.

2. As regards source (e), it has not been possible to secure accurate figures from all the tahsils of the tract under settlement. The most reliable accounts that could be obtained are those of Colonel Nawab Sir Umar Hyat Khan Tiwana, sole proprietor of Chak No. 234-R. B., tahsil Lyallpur, and those kept by Lieutenant-Colonel J. Bruce, late Army Remount Department, and Richard Branford, Esquire, who are both important lessees of extensive areas of Crown land near Lyallpur town. Of these three gentlemen, Colonel Nawab Sir Umar Hayat Khan Tiwana, was the only one who could produce continuous accounts of over twenty years.

3. A close scrutiny of the data available from all these sources suggests that averages of prices of various commodities prevailing at *mandis* during the last twenty years may well be taken as the basis for calculating commutation prices to be used in the settlement now in progress. It is remarkable how closely the *mandi* averages come to the prices obtained for their produce by the three large private owners mentioned above. Rule 4 of the Assessment Rules requires that the prices to be adopted in the estimate shall be based on the average of a sufficiently long period in the past, and as the term of the settlement now in progress is likely to be fixed at forty years, it is considered that a period of twenty years in the past is a sufficiently long period to comply with the requirements of law and dictates of equity.

4. As regards prices of commodities that are not sold in the open market, e.g., fodder, wheat and gram straw, most careful and searching enquiries have been made from an exceedingly large number of chaks all over the tract. After a careful consideration of all the circumstances of the case, I propose to use the following commutation prices in framing my produce estimate for all the circles of the tract under settlement :—

	Annas. per maund.	
Cotton	..	184
Gur	..	88
Toria	..	92
Wheat	..	60
Gram	..	52
Maize	..	48

	Rs. per acre.
Rice, pulses, millets, oilseeds (other than toria) and all fodder crops.	32
Orchards, gardens, vegetables and tobacco	60
	Annas. per maund.
Wheat straw	6
Gram straw	3

These prices have been determined by taking the *mandi* averages and deducting expenses of cartage, weighment, etc., and are net prices obtained by the landowners.

5. It will be noticed that these prices are substantially higher than those prevailing in the markets to-day, or indeed than the prices that have been prevailing in the markets during the last few years of unprecedented agricultural depression. The revenue rates of the new assessment will be worked out on these prices, but it might be explained at once that there is no intention to levy those rates in full until prices of the more important staples attain the level of prices that are proposed to be used in my produce estimate. Although the new assessment that will be announced will be based on the high prices assumed by me, the landowners of the tract will every harvest get remission proportionate to the difference between the commutation prices used in the produce estimate and the prices actually prevailing in the markets in the year preceding that for which assessment is to be made. In short, it is proposed to introduce a sliding scale of revenue assessment, the important feature of which is that the revenue will in no case be collected at rates higher than those brought out by the prices proposed to be assumed by me, while there is no limit to the extent of remission which landowners will be entitled to on account of fall in prices. Such a sliding scale of revenue has been introduced in the recent settlement of the Lower Bari Doab Colony. The commutation prices proposed by me are somewhat higher than those assumed in the settlement of that colony, because the term of settlement in that colony is only ten years, while the term of settlement being done by me is likely to be fixed at forty years. A full description of what the sliding scale of revenue means and how it will function, is being published by the Punjab Government and need not be explained here.

PENSION BILL.

1169. Professor W. Roberts : Will the Honourable Finance Member please state the Pension Bill of the Punjab Government for—

- (a) 1920,
- (b) 1934 (or latest year where figures are available), and
- (c) the expected bill in 1954?

The Honourable Mr. D. J. Boyd : (a) Rs. 27,83,388.*

(b) Rs. 75,65,207.†

(c) It is not possible to frame a forecast. So far as can be seen, however, the bill has not yet reached stabilization point and will continue to increase for some years.

Seventeen and-a-half lakhs of the increase is accounted for by the fact that when the present constitution was established in 1921 responsibility for the pensions of officers of All-India Services serving under the Punjab Government was transferred from the Central to the Provincial Government.

*Of which Rs. 48,668 represent the commuted value of pensions.

†Of which Rs. 13,65,980 represent the commuted value of pensions.

Details will be found under the expenditure heads 45-A and 60-B of the Budget).

ACREAGE RATE.

1170. Professor W. Roberts : Will the Honourable Revenue Member please state—

- (a) on what legal grounds "Acreage rate" is levied in certain irrigated tracts ;
- (b) in what years since 1927 acreage rate has been collected in the Nili Bar and why ;
- (c) whether acreage rate comes under land revenue, water-rate or cesses ; and if so, why ?

The Honourable Nawab Muzaffar Khan : (a) Acreage rate is a charge levied in areas coming under new canal irrigation for the construction of watercourses and culverts, and includes the cost of preliminary survey and demarcation. In the case of land belonging to Government, it is levied under the conditions governing grants of land, leases for temporary cultivation and the conditions of sale. In proprietary areas the owners of land are given the option to construct watercourses and culverts themselves. The Government constructs them only if the proprietors are unwilling to do so and levies an acreage rate to recover the cost.

(b) From *kharif* 1928 to *rabi* 1930 inclusive, and *rabi* 1935 for reasons given in (a) above.

(c) No.

TUBE WELL PUMPING FOR WATER-LOGGED AREAS.

1171. Professor W. Roberts : With reference to statement made by the Honourable Minister for Local Self-Government which appears on pages 315 and 331 of Punjab Council Debates for 5th March, 1935, will he please state—

- (a) whether the Irrigation Department have submitted any scheme of tube well pumping for water-logged areas ;
- (b) if no scheme has been put up, whether Government proposes to press for submission of a scheme and a considered statement as to what charges for electricity could be paid under such a scheme ?

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

(b) It is for the Irrigation Branch to formulate schemes. The Hydro-Electric Branch would give all the information available.

BHAKRA DAM PROJECT.

1172. Rai Bahadur Lala Sewak Ram : Will the Honourable Member for Revenue kindly state—

- (a) the reasons for the Government not undertaking the Bhakra Dam Project ;
- (b) whether the nature of these reasons is technical or political ;
- (c) if the reasons are technical, what they are ,
- (d) in case the reasons are political, the exact nature of trouble, and steps the Government is taking to overcome these obstacles ?

The Honourable Nawab Muzaffar Khan : The honourable member is referred to question No. 1070.¹

LAND REVENUE SETTLEMENT.

1173. Rao Bahadur Chaudhri Chhotu Ram : Will the Honourable Revenue Member kindly lay on the table of the Council a statement showing the following particulars in respect of the last two settlements of each district in the Punjab—

- (a) total land-revenue ;
- (b) total amount of cesses ;
- (c) the portion of nett assets taken by the State ;
- (d) the measure of enhancement taken on the land revenue settled for the outgoing settlement, *i. e.*, the proportion by which the land revenue assessed in the outgoing settlement was enhanced in the subsequent settlement ;
- (e) average land revenue per acre ?

The Honourable Nawab Muzaffar Khan : (a), (c), (d) and (e) The honourable member is referred to the Final Settlement Reports of the districts in the Province.

(b) The answer to this part of the question would involve an amount of labour out of all proportion to the value of the information sought. The attention of the honourable member is however invited to Chapter VII of the Settlement Manual which will give him an idea of the proportion which some of the cesses and rates bear to the land revenue.

LAND REVENUE SETTLEMENT.

1174. Rao Bahadur Chaudhri Chhotu Ram : Will the Honourable Revenue Member kindly state the items of expenditure which are allowed as costs of production in settling the land revenue of an estate—

- (a) where the estate is owned by a single rent-receiving individual or a few rent-receiving individuals ;
- (b) where the estate is owned wholly or chiefly by self-cultivating owners ?

The Honourable Nawab Muzaffar Khan : The honourable member is referred to section 3 (18) of the Punjab Land Revenue Act read with the relevant paragraphs of the Land Assessment Rules 1929 and of the Punjab Settlement Manual.

ANNOUNCEMENT.

Secretary : I have verified that the date² of the daily *Ihsan* as printed in question No. *4550 put by Mr. M. A. Ghani is the same as stated in the manuscript copy of his question.

¹Volume XXVI, page 118.

²*Vide* the supplementary question to question No. 4550, page 25 ante.

REFERENCE TO LATE HAJI SIR RAHIM BAKHSH.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): Since the Council met last one of our esteemed members, Haji Maulvi Sir Rahim Bakhsh has passed away and I propose that a message of condolence on behalf of this Council be sent to the relations of the deceased.

The Honourable Mr. D. J. Boyd (Finance Member): I associate myself with that proposal.

[*Sardar Arjan Singh, The Honourable Sardar Sir Jogendra Singh, Mr. E. Mayadas and Mr. M. A. Ghani associated themselves with the proposal.*]

Mr. President: I take it that all honourable members of the House wish that a message of condolence be sent on behalf of the Council to the bereaved family of the deceased. (*Voices of 'yes'*).

THE PUNJAB STATE AID TO INDUSTRIES BILL.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I beg to introduce the Punjab State Aid to Industries Bill.

While introducing it I do not consider it necessary to make any speech. The reasons for bringing forward this Bill are briefly but quite adequately stated in the statement of objects and reasons which I presume the honourable members have already perused. I therefore beg to move—

That the Punjab State Aid to Industries Bill be referred to a select committee which shall report on or before the 4th November 1935 consisting of:—

The Legal Remembrancer;
 Diwan Bahadur Raja Narendra Nath;
 Professor W. Roberts;
 Shaikh Muhammad Sadiq;
 Mr. Labh Singh;
 Sardar Arjan Singh;
 Rai Sahib Lala Labh Chand Mehra;
 Rai Bahadur Mr. Mukand Lal Puri;
 Sardar Sahib Sardar Ujjal Singh;
 Khwaja Muhammad Eusoof;
 Chaudhri Asadullah Khan;
 Khan Bahadur Captain Malik Muzaffar Khan;
 Honourable President's Nominee;
 Mr. F. C. Bourne; and
 The Mover.

In putting this motion before the House, I may mention it to you, Mr. President, that it would be conducive to clearness if this motion were considered in various parts. The first part, for instance, which would be placed before the House would be that the Bill be referred to a select committee. The second part will be that the select committee should consist of the members whose names I have already read out. The third that they should report on or before 4th November 1935 and the fourth that the quorum which is usually fixed

should be five. I leave it to you and you may be pleased to put it in whatever way you consider best. But this is my submission. In moving this motion before the House again I do not think that it is necessary for me to make any lengthy speech or any speech at all. So far as the necessity of such a measure is concerned it is recognised on all hands, in fact there are many both inside and outside this House who feel that the Bill has been long over due and a measure of this kind should have been placed before the House many years before. However, for various reasons no such Bill could be placed before this House at an earlier stage and it is not necessary for me to dwell upon those reasons now. Now that the Bill is before the House I expect that the House would hasten to pass it because already very valuable time has been lost. I expect that the honourable members of this House would realise not only the importance but also the urgency of the measure and would support the motion that I have placed before them so that the select committee may consider the Bill as early as possible and submit its report either before or on the 4th November, and the report of the select committee may be placed before this House for its consideration during this very session and passed and, as I expect, the assent of His Excellency the Governor and His Excellency the Viceroy may be obtained and the Act actually become operative as early as possible. With these few remarks I commend this motion to the consideration of this House.

Mr. President : I will propose the several motions one by one.

The first motion is —

That the Punjab State Aid to Industries Bill be referred to a select committee.

Mr. M. A. Ghani (Nominated, non-official) : I rise to oppose the motion to refer the Bill to a select committee. The question of state aid to industries has been challenged in many parts of the world and I mean to challenge it here on the floor of this House. What I understand from this Bill is that the Government will give a sort of loan to certain industrialists at a rate of interest ranging from 1 or 2 per cent. more than what the Government of India pay for a public loan. That is to say that the Government will advance the loan at 4 or at the most 5 per cent. My first objection is that the principle of raising loan in the first place from the public and then giving it to certain industrialists is not a sound one. I think the best policy which the Government should follow would be to run its own factories. Now Government will spend 5 or 10 lakhs on this industrial loan. I fail to understand why the Government cannot run 5 or 10 factories themselves. (*The Honourable Dr. Sir Gokul Chand Narang* : With these five lakhs ?) With 50 lakhs or even one crore of rupees if you like. When the industrialists take loan at the rate of 4 or 5 per cent. they are expected to earn more than that percentage. They might earn 10 or 12 or 20 per cent. Now, why cannot this surplus profit be made to go into the coffers of the Government itself and thus reduce taxes ? Why should the profit go to a few industrialists ? We labourites believe in State capitalism. We are against individual capitalism and this principle of State capitalism has been in practice in England in certain respects and in certain other countries. So this principle of taking the money from the people, putting it into one pocket taking it from that pocket and putting it in another's pocket is absolutely unsound in principle.

[Mr. M. A. Ghani.]

The Bill is intended to aid certain capitalists of this province. I want to make it quite clear that I am not at all against the development of industries in this province and I would like that there should be from one to five factories in every district and the Government ought to run these factories. If Government can administer the whole of this province so well, I cannot understand why Government should not be able to administer these factories equally well. Administration carried on by Government is much better than administration carried on by any single individual. (*The Honourable Mr. D. J. Boyd*: Hear, hear). If you go to certain factories owned by certain capitalists, you will find conditions there simply hopeless. The industrialists want to make as much profit as they can. They suck the blood of the labourers and they make them overwork and do not pay them good wages. They do not make good houses for them but try to get everything out of them without paying anything. I have been going round the province and I have seen so many factories in the province and I can say with my personal knowledge that the capitalists of this province are simply blood suckers. If you will kindly go to certain factories you will find that the housing conditions there are absolutely bad, practically there are no houses provided by these factory owners and there are no water arrangements and latrine arrangements. You will see them in rags and no provision is made for the education of their children and nothing is done by these owners to improve the condition of these workers in factories. With these conditions, do you think that these capitalists are entitled to state aid? State does not mean only a few capitalists and industrialists. State consists of all the population of this province. For these reasons I beg to oppose the motion.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I beg to move—

That the Punjab State Aid to Industries Bill be circulated for eliciting public opinion thereon by the 15th of December 1935.

In proposing this motion I want to make it clear at the very outset that I am not taking to any dilatory tactics or in any way opposing the principles of this Bill. So far as the primary object of this Bill is concerned I am wholly at one with the mover of the Bill. What I want is that we should have time at least to know what the public outside this House, our electorate, officials and non-officials, trade unions, and experts have to say in the matter. We, or at least majority of us are laymen in this respect and we want to know the *pros* and *cons* of the whole question. Let this matter which involves very grave issues of economic and financial importance be thoroughly sifted and after very careful consideration and due deliberation we should proceed to consider this measure clause by clause. After all it is not a resolution which deals with one matter alone, it is a Bill consisting of 47 clauses in no less than 6 chapters. Each clause, it is unnecessary to say is a subject in itself which should be studied. I at least, for one, want that more light should be thrown on the subject by people outside this chamber as well as by people in this chamber because there is no chance of debarring any individual from expressing his opinion when the Bill is circulated for eliciting opinion thereon (*hear, hear*). Moreover, we must keep in mind the well-known maxim that "haste makes waste."

We are not in a hurry and we have seen that this has been the practice of this House that we always take the public opinion on a Bill into consideration. There is no reason why we should depart from this wholesome practice so far as this Bill is concerned. After all its life is not going to expire like the Criminal Law Amendment Bill by the 1st of December 1935 that we should be in a hurry to do whatever we want at once. This is a new measure and a new subject as far as our province is concerned. Of course as a layman I should say that there is need for such a measure, but unless further light is thrown on the subject by people, in the press and on the pulpit, we need not proceed with it. Another thing which I want to press in this connection is, as I have already referred, that there are 6 chapters and going into detail to this extent only I find that chapter II deals with the constitution and the powers and functions of the Board of Industries to be established under the Bill. That itself is such a vast subject that it requires at least elucidation from people who know it very well. The next chapter is about the various forms of aid to be rendered and it comprises of no less than 10 or 15 sections and requires elucidation. The third chapter relates to the forms of loans and the method of recovery. That is very important. In other legislation we are daily trying that there should be recovery by methods which are more up to date and more civilized than the methods already prevailing. In this there is a provision, I do not propose to go into details that these monies will be recovered like arrears of land revenue and no regular suit will be filed in any civil court for the recovery. Section 23 is very clear and lays down that a mere declaration on the part of the Board of Industries is sufficient for the recovery of the amount which will be enforced as a decree in execution proceedings. That is what we will have to consider whether this method should or should not be allowed. It is not a question of a single clause but a question of principle on which we should have more time to consider. The next chapter relates to supply of machinery on hire-purchase system. Of course about that we as equipped at present know nothing. The last chapter is the supplementary chapter regulating procedure and the formation of rules. Of course that does not require at present very much to be said. I do not think that I should take longer at this stage than the Honourable Minister who introduced the Bill. I have laid out my case sufficiently that without having recourse to any dilatory tactics, there would be no harm if we elicit opinion from outside experts on the Bill. I do not say that the Honourable Minister is in any way guilty of not introducing the Bill earlier but if he has not been able to introduce it earlier, we should not devour the next stage for the simple reason that the Bill is already over due. If it had been introduced earlier we would have gone to the next stage earlier and we would have been in a position to consider it clause by clause on the 4th of November or in this very session. I therefore propose my amendment.

Mr. President : Motion under consideration, amendment moved is—

That the Punjab State Aid to Industries Bill be circulated for eliciting public opinion thereon by the 15th of December 1935.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to support the motion moved by my honourable

[Ch. Allah Dad Khan.]

friend from Gujranwala. The Honourable Minister for Local Self-Government in introducing this Bill has given only brief reasons for introducing this measure. In the first place, he says, the necessity for such a measure is great and there is no question about it. But that does not mean that we should hurry it up so much that we should not even pass through its proper stages. After all the persuasion and pressure which had been brought on him during the last budget session, the Honourable Minister has awakened from his long sleep and now when he has awakened, he is rushing it through the Council without going through all the stages through which the measure must pass. It is just like a man who did not marry up to the age of 80 and then he suddenly realized that he must marry and did so in haste only to regret afterwards. Why has the Honourable Minister been sleeping for so many years without doing anything at all? The Honourable Minister has been in charge of the department dealing with industries for five long years, but he never proposed such a legislation all this time. Now he wants to remove the stigma of remaining unmindful of this thing for so long by hastening this Bill through the Council. Among the other reasons which my honourable friend stated there is one very important reason on account of which it should be sent to public for expressing opinion. I can say without the least fear of contradiction that there is hardly any industrial expert in this Council. When a measure of such great importance is to be passed, the opinion of our industrial experts, at least, should be there to guide us. I think most of the honourable members are aware that when Lala Harkishen Lal's bank was failing, not the present bank but the old bank, one honourable member of this Council said that the Government itself had devised means by which this bank failed (*Mr. Manohar Lal*: No). The honourable member does not remember. I can name the member who said this. Now in this Bill section 25 is a section which instead of helping the industries, would throttle them, and when the industries fail the board will proceed to recover monies by attachment and sale and everything else. I have not seen such a provision as contained in section 25 in any other legislation. Merely the declaration of the board would be sufficient to show that the amount is due and the court shall proceed to pass a decree in accordance with this. I have never seen such a provision by which you can tie the hands of the courts. The court may have certain reasons for not carrying out the wishes of the board; why should it be ordered to pass a decree and why should there be such an obligation on it to pass a decree willy nilly when it is not convinced whether something is due or not and whether Government has committed any fault or not and whether the board has not been faulty in coming to the decision? The court is supposed to take nothing of that sort into consideration but has only to pass a decree. It has no alternative, it has no right to exercise its own independent judgment. Such a provision is being put into the Bill without public opinion being permitted to express itself. Let us see what the public has to say about this. I have not seen such a provision even in the Criminal Law Amendment Bill. There are certain provisions in this Bill which are drastic, but this provision knows no restrictions and if you were to examine the various other provisions you will find how objectionable they are. For these reasons it is very necessary to consult public opinion on this measure.

Again in constituting the boards there are certain qualifications laid down for choosing members of the board and various bodies are specified from which they can be chosen.

3 P.M. I doubt very much whether there is anything in the provisions of the Bill in this behalf in relation to the vexed question of communalism which is exercising the minds of the public now. Whether we would like it or not it has come to be part of all enactments and I think in future any proposal of the Government must provide for a certain number from each of the communities inhabiting this province. When the communal element has been introduced in all Government measures there is no reason why it should not find acceptance here. Let us see what the public has to say on this aspect of the measure. Let us ascertain whether the Hindus, Muslims and the Sikhs would like that their representatives should be on the board or whether they would allow the board to consist of one community alone. This is a question on which the public are the best judges. There is also another aspect of the matter. If we introduce this measure just now without inviting the opinion of the public and it fails in actual working, the public would be quite right in blaming the whole Council for passing such a defective law. If, on the other hand, public opinion is ascertained in favour of the Bill and we try to enact it or even reject the measure we shall be saved from the criticism of the public.

Thus for all conceivable reasons the Bill must go for the opinion of the public. Without the help of public opinion the measure will not succeed. Nor has the Honourable Minister made out any point in suggesting that such a contentious measure should be allowed to pass through this House without the public being made aware of its provisions at this stage.

With these words I wholeheartedly support the motion for circulation of the Bill in order to elicit public opinion thereon.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban): I am glad that the Honourable Minister for Local Self-Government at the fag-end of his term of office—I mean his present term—has brought forward a measure which is bound to command universal support. I was rather surprised to hear from the Labour Member (Mr. M. A. Ghani) that although he is in favour of industrial development he would like the Government to run all industrial concerns. It is common knowledge that no country in the world except Soviet Russia has so far tried this experiment on a gigantic scale. We have yet to see in this country a movement for the nationalisation of land, nationalisation of industry and nationalisation of many other things which I need not name. If we take into consideration the example of those countries which are leading the world in industrial progress, we find that although the Governments in those countries had to initiate industrial enterprises they have had at one stage or another to give up themselves running the show and to hand over those enterprises to private persons or private companies. Take the case of Japan. Prior to 1869 that country could not foster its industry by means of protective tariff on account of special treaties and it was forced to adopt other measures. Since 1869 Japan started industrial enterprises on a large scale. I would read one or two quotations from a very interesting book on the economic position of Japan. It is stated that the Japanese Government on account of the reason that it could not raise

[S. S. Sardar Ujjal Singh.]

tariff walls was forced to find other ways of rendering aid to industries. Many industries were established by the Government with the idea of providing only an example for private enterprise. At one time or another the Government has built and operated porcelain works, silk spinning mills, cotton spinning mills, weaving mills, linen factory, cement factory, plants for making soap, type foundry, food factories, dye-stuff making, iron and steel plants. There are few modern industries in Japan to-day that do not owe their existence to Government initiative. In most cases, the Government has endeavoured to withdraw, I am quoting from the book which I referred to a short while ago "from the industries as soon as possible and to turn them over to private companies, but in some cases it has been impossible and the Government has continued to participate as an active partner." That shows that although the Government in that country did come forward to start industrial enterprises by establishing factories in the beginning it withdrew as soon as it could find suitable companies to take over those industrial enterprises. And I think that that has been a step in the right direction. That shows how Japan has built up her industries in such a short period. My friend, the honourable member representing Labour (Mr. Ghani), is opposed to industrial development on those lines on account of his socialistic or communistic ideas. But as I have said we have still to wait some time, perhaps a very long time, before socialism or communism will come into operation in this country.

It has been said that we should not proceed in this matter in a hurry. I think that if there is one matter over which there has been criminal delay in bringing a measure on the Statute Book it has been this measure. And still some honourable members say that we should proceed with caution and that we should still go on dilating. If there are any defects in this Bill, those defects can very well be rectified in the select committee. The Honourable Minister does not wish that the Bill be taken into consideration at once but the motion before the House is that it be referred to a select committee. Any defects in the Bill—I do find that there are many of them—can very well be remedied by amendments made in the committee stage. To prolong this measure or to delay it for that reason would be fatal to the industrial development of this country. So far the Government I must say has been doing precious little in the promotion of industries. A paltry sum of Rs. 81,000 only has been advanced as loan—or as my honourable friend says, wasted—to struggling industrialists who want help from the Government. What can a sum of Rs. 81,000 per annum do in the way of promotion of industries? If I am not taking up much of the time of the House I would quote from the book to which I have already referred and which gives an idea of some of the lines on which Japan has developed her industries. In one year Japan has given subsidy to the extent of Rs. 2 crores for industrial development. In one case, in the case of dye-stuff industry, the Japanese Government guaranteed a return of 8 per cent. and for many years they had to guarantee that. When the industry could stand on its own footing the aid was withdrawn. I think on similar lines the Bill before us also provides for the giving of aid. The Bill lays down that a certain percentage of profit will be guaranteed and loans will be advanced to *bona fide* industries. I do not say that the passing of this Bill will bring in a new era. My friend

(Shaikh Muhammad Sadiq) is very hopeful that it will inaugurate a new era. Though it may not go so far as that, it would at any rate have still done something in that direction if it were placed on the Statute Book. The dawning of a new era in its wake will depend upon the spirit with which the Government will operate the Act when it comes into force. By passing this Bill we cannot say with any precision how much money Government will be able to find to finance various industries by way of loans or by way of subsidies. But if the Government is actuated by the same spirit with which the Honourable Minister has brought this Bill forward I am sure that a good deal would be done in the cause of industry. With these few words I support the substantive motion.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) : I am surprised that such a Bill as the one before us should have met with the opposition of my honourable friend who is sitting with me on this bench. (*Mr. M. A. Ghani*). If he was a labourite he should have, on the contrary, welcomed the opening of new factories in the province which would give employment to more persons, which would bring more money into the pockets of the labourers of this province. Instead of that he is waiting for a Utopia to come within, ten, twenty or thirty years, or who knows when! What my honourable friend should do is to have this Act passed and then bring in a new amending Bill protecting the rights of the labourers which the House would certainly consider with favour. After all the labourers are our own brothers and sisters, they are residents of this province. Who will refuse them their rights? Instead of helping the enactment of this measure which I think is one of the most important Bills that have ever been introduced in this House—I think in fact one of the first Bills for running our industries on the lines on which they are run in European countries, in America and in Japan—instead of helping the House by his criticism, by his suggestions to improve the provisions of the Bill, he has tried to oppose this Bill and chosen to ask us to wait till some new ideas come into the country. If socialism will come three hundred or five hundred years hence, I do not know whether my honourable friend would ask us to wait till that time. If my honourable friend had read the Bill—of course not a cursory study but a detailed examination item by item—he would have found, that the Bill is really very important. I do not agree with my honourable friend, Sardar Sahib Sardar Ujjal Singh when he says that this Bill if enacted would not bring in a new era. I think it will. Because, for the first time in India a new principle has been enunciated, the principle that Government is not only going to subsidise, not only going to give loans or lend machinery to rising industries but that Government is going to guarantee interest. And that is very important. Government has not to spend a penny of its own money. People have to bring out the money now lying with the banks and utilise it for industry. Instead of buying goods from Japan, produce and buy them in your own country. Instead of importing goods from Germany, instead of giving work to the Japanese, the English or the French it will give work to your own people. Why should the Bill be opposed?

Then the honourable member representing labour talked of capitalist blood suckers. He himself is a big blood sucker. He himself is a capitalist, he himself is a share-holder of a bank holding shares worth six or seven

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thousands of rupees. He may be a minor money sucker, but the fact remains that he is no more a labourite than others whom he attacks. He is a big capitalist himself.

Mr. President : I request the honourable member not to be personal.

Shaikh Muhammad Sadiq : He has called you a blood sucker (*laughter*). It is a very strong term. You are a capitalist yourself, you are a landlord, you are a director of banks. So the term blood sucker applies to you. But I will not dilate upon my friend's remarks because though we may sometimes differ we are always friends here.

Now look at some of the provisions of the Bill. I agree that it depends upon the intention of Government. If the intention of Government is good, it is all right. But I do not care for the present Government, for now it is finished. It will soon die. If the future Government does not rise to the occasion, if it does not help its industries, it cannot say that the British did not do so. We should be thankful that even at this last stage it has shown the willingness to push this Bill which I have been urging for the last six years. My friend the Minister has been sleeping for six years and I take pride in having awakened him, because it is I who coaxed him now and then and had the papers taken out of some musty room of his. Some of the provisions in the Bill I proposed some six years back. One was that no subsidies should be given but loans on interest should be advanced, and I take pride in the fact that there are sections incorporating that provision in the Bill. We want industries very badly. We do not want just a few industrialists to become rich. We want employment for our young men in this country. That is more important. We are not giving money to any one free of interest. We are going to borrow at $3\frac{1}{2}$ per cent. and lend it at $4\frac{1}{2}$ per cent. Why should the Japanese and the Austrians get rich at our expense? It is better that our own countrymen should get all this money. It is true that some of the provisions are somewhat drastic and no doubt they will require full consideration. I urge the Minister for Local Self-Government that instead of having this Bill passed in the middle of the session, he should come up with it at the end of the session, so that from to-day to the 21st of November or so there will be enough time for receiving objections to the Bill. Of course if you bring it forward on the 4th or 5th November there will be no time for receiving public criticism.

The Honourable Dr. Sir Gokul Chand Narang : Yes, the Bill will come up towards the end of the session.

Shaikh Muhammad Sadiq : The Honourable Minister should send copies of the Bill to all Chambers of Commerce, all presses, all banks, all important factories and other places and also to labour organisations. We should introduce in it amendments which will help labour. Where money is lent Government must see to it that the rights of labour are guarded. Government should grant loans only to those who will give decent wages to labourers, who will give decent houses to their labourers and I should say decent food and clothing. Our aim and object is to increase the wealth of this country, not the wealth of a few capitalists. We should develop our industries in the country and we should make imports and exports.

equal. We are importing everything from the rest of the world but exporting hardly anything. Unless we are going to stop this export of wealth unless we have more industries like Germany, I can assure you the position of the Punjab will be like that of the poorest country in the world. The only way is to promote industries. We import goods worth lakhs—cloth, iron goods, electric goods, in fact everything, but what do we export?—not a bag of wheat, not a sack of cotton—may be to a certain extent but not to the extent to which we import goods from outside. If we buy more than we sell, the fault will be our own. The object of the Bill is to encourage and to help industries which are backward, by giving loans and by giving machinery. I assure my friend the representative of labour that the interests of labour will be dear to us. If he brings in any amendment, not one member will protest, not one member in the House will be backward in helping him to better the conditions of the labouring classes. Unless labour is happy there cannot be any happiness in the country. I see even graduates polishing shoes, I see matrices cleaning utensils. Thousands of them are having to live as parasites on their parents. What will be the result of this unemployment? There will be a revolution in the country, but I hope that with this Bill passed into an Act that revolution will be an industrial revolution. It will give work to hundreds and thousands of the unemployed and with that I sincerely hope that the prosperity of the province will grow. For these reasons I heartily support the principle of the Bill and I request the Leader of the House and Chaudhri Riasat Ali not to throw it to the budget session but to postpone it for one month so that in the meantime we will have time enough to consider all the details.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural): I support the motion that has been brought forward by Chaudhri Riasat Ali, but in supporting that motion I desire to make it clear not only on behalf of myself but on behalf of the mover of that motion and on behalf of the Unionist Party as well, that there is no intention whatever to delay this Bill unnecessarily. The whole Unionist Party has deep and genuine sympathy with the object of the Bill. We desire that a well-considered Bill should be passed by this Council and placed on the statute book, and everything should be done to promote industrial growth in the province because all of us realise quite clearly that unless there is industrial growth in the province no section of the population can prosper in the true sense or to the fullest possible measure. Industrial growth is absolutely essential for the prosperity of industrial classes, labouring classes and agricultural classes. In supporting the motion I desire to assure the Honourable Minister in charge of the Bill of our good will and request that he should not misunderstand us in any way.

The reasons which have led us to put forward this motion are that although everyone in this House desires that some law should be enacted for promoting industrial growth in this province, it does not follow from that desire that this specific Bill or the specific proposals contained in this Bill are the ones which are best calculated to promote industrial growth in the province. The usual practice is to elicit public opinion on every important measure. I believe that the Honourable Minister considers this Bill an important measure. I do not think he has taken any steps so far to consult public opinion in the province. Have industrial interests been

[R. B. Ch. Chhotu Ram.]

consulted, have agricultural interests been consulted, have any commercial interests been consulted, have any banking institutions been consulted? So far as I am aware no attempt has been made to elicit general public opinion or the opinion of people who are best qualified to express an opinion on the specific proposals which are contained in this Bill. Even the Entertainments Duty Bill is proposed to be circulated in order that public opinion may be ascertained. Why should this particular Bill alone be the one on which the ascertainment of public opinion is not thought necessary or desirable? I have not been able to understand the reasons why the Minister is keen to have this Bill passed during this very session. I can assure the Honourable Minister that the Unionist Party has absolutely no desire to delay this Bill unnecessarily, and we will be quite prepared to discuss this Bill in the budget session and have it passed during the budget session. Whatever form the Bill may ultimately take he may rest assured that we will not resort to any delaying tactics in order to postpone the passage of this Bill—beyond that session. The Minister and the general public will have four or five months to give full consideration to the various provisions contained in the Bill and I think he will have a body of opinion before himself on the basis of which he can ask the House to pass the Bill in the form which has been favoured by the general public opinion.

There are several very important points which require careful consideration. I am not an industrialist and I am not acquainted with the methods which are best calculated to promote industries. But in a general way I can offer criticism on certain proposals in this Bill. For instance, the personnel of the Board of Industries is a very important question. What interests should be represented on this Board, in what proportion those particular interests should be represented on this Board, these are both very important questions. The actual proposals which are contained on this particular matter in the Bill seem to me to cover only one or two interests. Out of 12 members I think there are only three members who will be elected by this House. There is no proposal to represent agricultural interests as such on this board. It is possible that there may be other interests also which have been ignored. What strikes me so far as the personnel proposed is concerned is the fact that some interests are over-represented while at least there is one interest, the agricultural interest, which has been entirely ignored.

Another question which is of even greater importance, is, what types of industries should be aided. The Bill as it stands gives a list of the types of industries which will be entitled to state aid. Whether those are the only types of industries which should receive aid, whether all the types mentioned in that clause are to receive aid, these are again questions which must engage the serious attention not only of this House but also of the general public. Whether cottage industries alone should receive aid, whether large scale industries alone which require very expensive machinery should be aided, or whether both these types of industries should receive aid, these are indeed important issues.

Another question which suggests itself to me is whether the object of the Bill should be to make the Punjab self-sufficient, to supply all the needs of the Punjab population with the production of the factories which

may in course of time grow up here, whether the types of industries selected for state aid should be those which should be in a position to consume all the raw materials which are produced in the province or whether they should be of a type which should not be related in any way to the raw products of the province. Another very important question which arises is whether an attempt should or should not be made to inter-connect the industries which are aided by the state with agriculture, whether they should not be allied with the chief industry of this country and the most important industry of our own province.

Next come the forms of aid which raise very important issues, whether the forms of aid which have been proposed in this Bill are the best forms in which state aid can come to the aid of industries, whether they are sufficiently liberal, whether they cannot be further liberalised, whether they are too liberal, whether there is any particular form of aid which should not be given. Here, again, I am under a serious handicap because I am not an industrialist and I am not in a position to say anything dogmatically that this particular form of aid is more important or that form of aid is less important or that one form of aid is undesirable or that the other form is desirable. But it is a very important question which requires the serious consideration of those who are in the best position to consider and offer competent opinion on the question.

I have no desire to take up the time of this House unnecessarily. To me these three questions seem to raise very important issues on which it is only right that the province as a whole and all the interests concerned should be consulted. After all, there is no particular hurry about this Bill. If we have waited for so many years we can certainly afford to wait for another six months. Suppose this Bill is passed even during the present session. What will the province, this country, or the Minister in charge gain? Beyond the fact that this Bill will be placed on the statute book, it does not help. Have you got the money? So far as I have been able to judge, the budget of the last year was not a particularly prosperous budget, and I do not think the next budget is going to be such a particularly prosperous budget as to leave a huge surplus at the disposal of the Government to be spent on the growth of industries. And if fortune enables the Government to have a very large surplus, then the Minister can come up at any time with a well-considered scheme of aid to industries and I am sure this Council will not be reluctant to lend such support as is deserved by the proposals put forward by the Honourable Minister. On the basis of these facts I suggest that the Minister should not make any hurry. He should give time to the province to give full consideration to the proposals contained in this Bill. When this consideration has been given it will be time for the Honourable Minister to proceed further with the Bill during the next budget session and get it passed. I know that if he makes it a point of honour he can carry his motion, but there is a proverb that if we act in haste we may have to repent when we have more leisure to consider the consequences of what we have done. In the hurry we may possibly make mistakes which it may be difficult to rectify later on. So, I lend my whole-hearted support to the motion which has been put forward by Chaudhri Riasat Ali in the hope that the Honourable Minister will consider the advisability of postponing the actual consideration and passing of the Bill to the next budget session.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I was greatly surprised when I came to the House to see a debate on this motion. I was thinking that the motion placed before the House by the Honourable Minister would be passed without any debate. Unfortunately, a debate has been raised on a dilatory motion in spite of the assurance held out by the Leader of the Unionist Party that the effect of this motion, whatever may be the intention or motive of it, would be to retard the passage of this Bill, with the result that the benefit to this province by this Bill would be delayed for a good long time.

One of the arguments advanced by the honourable member who has just sat down is that public opinion has not been given time enough to express itself. Unfortunately that is not true. The Bill has been before the public for a sufficiently long time and I can speak, after having attended various meetings, that the country wants that a legislation of this kind should be pushed through at once. Evidently the honourable Leader of the opposition has forgotten that only in the last budget session about six out motions were placed before the House regarding the industrial development and suggestions were given with regard to the improvement of industries by almost all sections of the House. I took it, though I am not very certain, that it was an indication of the will of the House which has made the Honourable Minister bring forward this measure. Not only were there suggestions with regard to four or five points raised by the honourable Leader of the opposition which I shall examine presently, but suggestions on a much wider scale than the question raised by him with regard to this measure were made on the floor of this House. Therefore my submission is this that both inside and outside this Council Chamber we have got a very strong and definite volume of public opinion that something must be done by the state to help industries. (*Rao Bahadur Chaudhri Chhotu Ram* : I never disputed that fact. My point was that public opinion has not been expressed with regard to the specific provisions in the Bill). I will come to that presently. The demand by the people for legislation for state aid has been there for a good many years and it was very strongly expressed at the last budget session. Therefore, the Bill, I submit, should not be retarded by a motion such as the one which has been moved by the honourable member opposite.

Coming to the arguments of the Leader of the opposition, he has propounded certain questions. I do not know by whom they are intended to be answered. For example in the first instance, he has raised the question, what representation there should be on the board which is to be constituted under the Act. This question can be easily tackled in the select committee. Whether the Legislative Council should have three, four or five members on the Board is not a matter on which we need invite the public to give its opinion. It is a matter for experts and especially for us members of this Council to go into and decide and that can easily be done in the select committee. Therefore, this reason advanced for the circulation of the Bill is entirely groundless. Public opinion outside this Council cannot possibly be given or any direction given so far as this question of representation of the Legislative Council on this board is concerned. It is the select committee which shall be elected by this House or rather approved by this Council which is in the best position to give a lead to the people on this point.

The honourable member then wanted that public opinion should express itself as to what type of industry should be aided by the state. Unfortunately, the honourable member has not looked at clause 18 of the Bill which is quite comprehensive. It says—

“State aid may be given to—

(a) a new nascent industry;”

New or nascent industry has been defined very clearly by the new Government of India Act—

“(b) an industry to be newly established in an area where such industries are undeveloped;

(c) a cottage industry; or

(d) an industry which needs revival or development by modern methods.”

The Bill, I submit, is comprehensive so far as the question of industries goes. There are some people who hold that cottage industry cannot possibly compete in modern times with industries which are on a large scale outside this province or even in foreign countries. This will be an aid to the settlement of the question of providing bread for people with small means and therefore it is very good to see that cottage industry has been mentioned. After all the boards or the people that are to be represented on these boards will be alive to the needs of the province and I submit for the consideration of the Unionist Party that we have got such a large and comprehensive programme and when this programme is worked out by a particular machinery where the members of the public will be fully represented it will be open to them to give aid to those industries which require aid. Therefore, there is nothing new in the question propounded by Chaudhri Sahib in his speech. He then asked,—I do not know, whether seriously or humourously—whether the Punjab should be made self-sufficient. I do not know what he meant. Did he mean to say that Punjab was to be an independent state having no connection with other provinces? If that was so, that has been fully decided by the Constitution Act. Punjab is going to be one of the several provinces of India. It is not going to be a province standing by itself not taking anything, manufactured or otherwise, from other provinces. This is a question which would not arise and the honourable member should not have raised this question. It has been decided by the new Government of India Act. We have to see that India forms one united whole. If the Punjab is rich in certain things it must produce those things for the benefit of other provinces. If there are other provinces which can produce things for the whole of India, there is no reason why Punjab should levy taxes on them and should exclude those things from the Punjab. This is beyond the scope of public opinion or this Legislative Council or even the Legislative Assembly, the question having been clearly decided and defined by the new Government of India Act which has now received the seal of sanction of all authorities concerned. Another question mentioned by the honourable member is, “what connection is there between this and agriculture?” There is always a connection between agriculture and industry. Agriculture produces certain things and the factory or machinery owners convert them into various kinds of finished goods. Unfortunately there are people who would see no connection between industry and agriculture. But the laws of nature are too strong for them and I submit it is not a question

[Mr. Nanak Chand Pandit.]

on which public opinion can be elicited or can be a guide. The last argument of my friend is, why this desperate hurry. We are in a hurry because we have been sleeping over this thing for a long time and we cannot afford to waste further time. There is war going on now and perhaps many industries and many industrial products may be needed and we must take full advantage of the opportunity which has now come. Therefore there must be even desperate hurry to create industries and take advantage of the opportunity which is afforded.

Another point which the honourable member urged was, what is the use of hurry when we cannot make any provision in the next budget? This is no argument which can be seriously advanced. If the Unionist benches and other benches are unanimous and force the Government to make certain provision for the growth of industry, it shall be done. Otherwise all talk of putting the industrial programme into operation is useless. So this argument of there being a deficit or there being a surplus does not appeal to me at all. But to my way of thinking if there are industries in the province they will really go to help the budget of the province. There would be more income and more money to spend and he is an unwise man who will not spend Rs. 5,000 in order to earn Rs. 50,000. Therefore, this argument absolutely holds no water and I therefore would submit to this House and especially to my friend, Chaudhri Riasat Ali who has moved this motion, that they should not retard the progress of this Bill. I am aware myself and I am perfectly willing to concede that in one or two places the Bill requires modification. But I submit that such arguments as are put forward in favour of the motion have no force.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): I think this question has been discussed at great length. I, therefore, do not propose to make any lengthy speech at this stage. But if my memory serves me right I believe this was the only subject that took up no less than three days of the time of the Council at the budget session, and perhaps this was the only topic for which the Government were charged with indifference, with apathy, with unsympathetic attitude and what not. It was pointed out that in most countries including Japan, England, Russia, the State has been coming forward to assist the development of industries and it is only the development of industries which can make any country prosperous. It was, I believe, pointed out, that having regard to the economic depression which we have had for the last six or seven years and also having regard to the credit of the tax-payer of the province and also having regard to the huge expenditure to be incurred over the administration of this province, the only panacea for all these ills was the development of industries. Not only that, the Government were charged a great deal more. It was pointed out that the Government had then not come forward to help the people of this province at that juncture. Therefore, I think that we should congratulate the Government on the response they have shown to public feeling as expressed by the elected representatives in this House by coming forward with this legislation and we should not try to adopt any dilatory tactics at this stage. I myself am not very optimistic regarding certain provisions of the Bill and I am myself not very hopeful regarding the operation of the Act and I am one of those who think that this legislation perhaps might help the capitalists.

a good deal more than the labourer or the agricultural interest, but that is absolutely no reason for deferring a discussion on this legislation. I think that all the points raised by Rao Bahadur Chaudhri Chhotu Ram have been answered in detail. But there is one point to which I would like to refer. That is the point which he took up last. He said we have had the budget and passed it and we are not hopeful that we may have a surplus budget. I think with the great experience that he has of the budget of this province or any other province he should have remembered that after all money is not to come from the budgets. If the state is serious, if it is in right earnest and if we call upon the state to help the industries of the province, then perhaps some step will be taken and that is the only way in which provision can be made for such an enterprise which we are undertaking. The Government have undertaken to provide some guarantee for the return on the capital. That is a big step and we should not try to delay this legislation. Some honourable member objected to the provision that the loans have to be realised or recovered as arrears of land revenue. I think this is what may be called blowing hot and cold in the same breath. On the one hand we want that the money of the tax-payer should be safeguarded and should not be squandered and on the other we want to help the people. Therefore Government should provide some such measures. I, therefore, support the motion for referring this legislation at once to the select committee.

The Honourable Dr. Sir Gokul Chand Narang : I am glad that although no debate was necessary some members have had their say on my motion. I do not want to make any speech, but I may just say a few words on the amendment moved by Chaudhri Riasat Ali. I hope he is not very serious in moving this motion and that he is not going to press, as I believe the object he had in view has been quite served and the other side of the picture has been placed before the House and the views which he wanted to express on the motion that I moved have already been expressed. The various points raised by the Leader of the Opposition may be noted just in a passing manner. He has been, I think, very satisfactorily dealt with by the Honourable representative from Hoshiarpur, Mr. Nanak Chand Pandit. But there is one thing said by him in connection with the budget about which I may say a word. The most important provision in the Bill is not the giving of loans, on which much emphasis was laid by the labour member. But what I consider to be the most important point in the Bill and but for which I would not have placed this Bill before the House is the provision relating to the guaranteeing of a certain return on the capital invested in an industry. I assure you and I assure all the members of Government that

when this provision is passed into law it is very likely that expenditure of not, even a penny will have to be incurred by Government and yet immense amount of good will be done to the province in the form of encouragement of industries. You have only to satisfy people that if they invest capital their capital would not be wasted and that they might rest assured that until the industry in which they invested their capital is able to stand on its own legs, they will get a fair return on their capital. They will come forward and will be prepared to take the risk and the money which in some cases now lies buried either in banks or underground will become available for the industrial development of the province.

4 P. M.

[Hon. Dr. Sir Gokul Chand Narang.]

simply by this inducement. I assure you that the people who take up industry cannot be presumed to be fools and cannot even be expected to launch an industry which is likely to bring them not more than 3 or 4 per cent. beyond which the Government is not likely to guarantee a return on the capital. It can be taken almost for granted that any industry which is launched by people who understand their business will not fetch to the shareholders and the investors less than 3 or 4 or 5 per cent. so that no necessity whatsoever might arise for the Government to spend a penny of its own money. Therefore no question of the budget would arise at all. And if it is a matter of loans, the Chaudhri Sahib must be aware that there is an Industrial Loans Act already in force under which Government can give loans and has been giving loans so that there is absolutely nothing new so far as giving of loans is concerned. The only important new thing is the guaranteeing of returns and as I have said, it may not be necessary at all even in one case out of a hundred for the Government to spend any money and yet be able to afford to the growth of industry all the necessary encouragement. Besides this I really do not see any necessity of dealing with the provisions of this Bill because there is nothing new in it. Already there are four similar Acts in existence in this country. There is a similar Act in Bengal, there is one in the Central Provinces, there is one in Madras and there is one in Bihar and Orissa and I assure the honourable members that in framing this Bill these Acts were always before the Government. This Bill has been framed on the lines of these Bills particularly the Bihar and Orissa Act. So that it is not that we have trotted out something new about which we know nothing or about which nothing is known to the honourable members of this House who can be presumed to be gifted with at least average intelligence and many of whom certainly possess more than average intelligence. There is nothing in this Bill which they cannot be presumed to understand or on which they cannot advise especially when they have before them the various other Acts. The various points which have been raised will certainly be considered, as has been very ably pointed out by Mr. Pandit, in the select committee and I assure Mr. Sadiq though he is not present that informally we shall take such expert advice as is available in this province. The Bill has been before the public since the 7th of September and it is not that it has not been noticed. It is an important measure, it has been recognized as an important measure and many important newspapers in the province have already commented upon it. Some have commented more than once on this Bill and they have all been pleased that a measure of this kind has been brought forward and I assure you, unless I have missed anything, no paper has been able to suggest anything of any importance which is not already contained in this Bill. Therefore I venture to submit that no useful object will be gained by delaying the reference of this Bill to a select committee and I trust that the mover of the dilatory motion will not press his motion.

Khan Sahib Chaudhri Riasat Ali : My amendment has been discussed more as a substantive motion and therefore I think I can be allowed to reply to the debate.

The Honourable Dr. Sir Gokul Chand Narang : I move that the question be now put.

Mr. President : Will the honourable member please refer to the proviso to sub-clause (8) of clause 64

“ Provided that nothing in this paragraph shall be deemed to give any right of reply on an amendment, except in the case of amendments proposed to Bills under Article 90 and in the case of motions relating to supplies made under Article 134.”

As the honourable member's amendment does not fall under Article 90 he has no right of reply. The question is—

That the Punjab State Aid to Industries Bill be circulated for the purpose of eliciting public opinion thereon by the 15th of December, 1935.

The motion was lost.

Mr. President : The question is—

That the Punjab State Aid to Industries Bill be referred to a select committee.

The motion was carried.

Mr. President : The question is—

That the select committee should consist of the following members :

The Legal Remembrancer;
 Diwan Bahadur Raja Narendra Nath;
 Professor W. Roberts;
 Shaikh Muhammad Sadiq;
 Mr. Labh Singh;
 Sardar Arjan Singh;
 Rai Sahib Lala Labh Chand, Mehra;
 Rai Bahadur Mr. Mukand Lal Puri;
 Sardar Sahib Sardar Ujjal Singh;
 Khwaja Muhammad Eusoof;
 Chaudhri Asadullah Khan;
 Khan Bahadur Captain Malik Muzaffar Khan;
 Honourable President's Nominee;
 Mr. F. C. Bourne; and
 The Mover.

Mr. President : The next question is—

That the quorum of the select committee should be five—

The motion was carried.

Mr. President : The question is—

That the select committee be directed to submit its report by the 4th of November, 1935.

The motion was carried.

THE PUNJAB ENTERTAINMENTS DUTY BILL.

The Honourable Mr. D. J. Boyd (Finance Member): I beg to introduce the Punjab Entertainments Duty Bill.

The Honourable Mr. D. J. Boyd (Finance Member): I beg to move—

That the Punjab Entertainments Duty Bill be circulated for the purposes of eliciting public opinion thereon.

This Bill is a purely fiscal measure which will be administered in the Excise Department of the Punjab. About the Bill itself I need say very little indeed because it is almost an exact replica of an Act which has been in existence in Bombay for a considerable time. There are two provinces in

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

India which have taxed entertainments, Bombay and Bengal. Bengal adds to its entertainment duty a tax on betting which does not exist in Bombay and which we do not propose to introduce for the present at any rate. The entertainments duty was recommended first by the Indian Taxation Enquiry Committee, and the Provincial Sources of Revenue Committee which was appointed in 1931 recommended that the Punjab also should adopt this plan for raising money. That we need it, I think, there can be no doubt. As, perhaps, members will remember, I budgetted for a surplus of round about half a lakh only in the current year, and while the results of last year are probably better than I expected at the time of the budget speech, the results of the present year up to date are anything but favourable. Up to the end of August we were 27 lakhs down. Fortunately, for this year we estimated our income below the income of the previous year and we estimated our expenditure above it. That may help a little. It is also true that last year also at about the same time we were considerably below the income of the previous year, but I have very strong grounds for hoping that we may make up a certain part of lee-way later on in the year. Unless kharif revenue and kharif abiana are exceptionally favourable, we are likely to be down considerably at the end of the year and there cannot be any doubt that we need every rupee that we can get. It is also unfair that so much of the burden of taxation should fall upon the land-owning classes in this province. This Bill is an attempt to enlarge the sphere of taxation, to broaden its basis which is always a sound process because if you depend too much on one source of revenue, that source may fail you badly in any particular year and knock out your budget so that it may be difficult for the time being to carry on without hasty and very unpleasant adjustments.

As for the Bill itself, we have followed the Bombay Bill very closely. The rates of duty which it is proposed to levy are exactly the same as in the case of Bombay. The method of levy will be by stamps, mainly, at any rate, by stamps affixed or embossed upon tickets sold for admission to entertainments. The usual exemptions of charitable and educational entertainments will be made and generally I think the Bill will be found to be a very simple one, easily administered and costing very little to administer. The Financial Commissioners forecasted that the cost of administration will be about Rs. 14,000. At the same time the income was estimated at Rs. 2 lakhs. Two lakhs is not much to get out of it and I sincerely hope that we shall find that the estimated income has been considerably under-estimated. In Bengal the entertainments tax brings in Rs. 4,11,000 and in Bombay it brings in Rs. 8,60,000. In each case the expenditure upon administration of the tax is very light. In Bengal it is only Rs. 5,000 and in Bombay it is only Rs. 20,000. The tax, even if its returns are slight, seems to be well worth putting on and I would like to see it enforced as soon as possible. At the same time we must remember that it is a tax upon caterers for public entertainment, and their numbers are not very great. I am also told that they are not in a very flourishing condition so that it is only fair to give them a chance of making representations with regard to rates of taxation and with regard to the whole principles of the Bill. It is only fair that they should be heard upon the subject. For this reason we do not propose to

rush the Bill and I only move that the Bill be circulated for the purpose of eliciting opinion.

Mr. President : The question is—

That the Punjab Entertainment Duty Bill be circulated for the purpose of eliciting opinion thereon.

The motion was carried.

THE PUNJAB CRIMINAL LAW (AMENDMENT) BILL.

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to introduce the Punjab Criminal Law Amendment Bill and to move—

That the Punjab Criminal Law Amendment Bill be taken into consideration at once.

This Bill is intended to continue the Punjab Criminal Law Amendment Act which was passed into law in November 1932 after a long debate in which all the arguments for and against were fully discussed. This lightens my task and I think that all that I need do is to show that the present circumstances demand the continuance of this measure just as the circumstances of 1932 made its enactment imperative.

To begin with I should say that the Bill is exactly the same as the existing Act except of course with regard to the period. The present Act was enacted for three years which will expire on the 30th November of the current year. And it is proposed that the new Bill should come into force with effect from the 1st December, and one clause has been added, clause 18, to ensure the continuation of the action of the present Act. Otherwise the Bill before the House is exactly the same as the Act at present in force. When that Act became law the province had just emerged from a struggle with the civil disobedience movement. Members will remember that that movement began in an active form in the beginning of April 1930 and it flourished exceedingly for most of the summer months or all the summer months of that year. The Government fought it naturally with all the forces at its disposal at that time but those forces were proved very clearly by the experience of the time to be insufficient. Government had not sufficient powers and it was only when the various ordinances were brought into force towards the autumn of 1930 that the movement began to wane and about September or October 1930 its defeat became quite certain. What I would like to emphasize at the present moment is that the ordinary powers contained in the Criminal Procedure Code and other criminal legislation were insufficient to fight the civil disobedience movement. Whatever our politics are, whatever our views of that movement may be, we must all of us, if we are honest, admit that civil disobedience means anarchy. The term really spells anarchy and anarchy cannot possibly be allowed to continue. I think it was the leader of the National Unionist Party who correctly described the position during the debate on the Bill which is now the Punjab Criminal Law Amendment Act. He said :—

“Intellectually I have very deep convictions on the subject. No Government can afford and no Government should allow its laws to be defied. That is the fundamental principle which will have to be observed by all Governments which deserve the name of a Government. It is absolutely impossible to put up with civil disobedience.”

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

Members may say that all that I am saying may be quite true but what has it to do with the present circumstances? It is quite true that the civil disobedience movement is at the moment in abeyance, but who will be bold enough to say that it will never be revived in any form by any party or by any community? It is absolutely impossible to say that. It is a form of opposition or expression of opposition to Government which has been demonstrated in India. It has been tried in India. It has been found to be very embarrassing to Government in this country and there is no reason to suppose that any section of the community which may in future find itself harassed and oppressed, as it thinks, or unfairly treated by the Government of the day, will not resort to this weapon. At the same time it is imperative that the Government of the day should be able to squash any such movement and for that reason alone I think that this Bill is a necessity.

Apart from civil disobedience, in November 1932, the Government was faced by several manifestations of terrorism. Here again it is just possible that members may think that we have got rid of that menace. It is true that terrorism is not very much in evidence in the Punjab at the present moment. But why? I can assure members that one of the reasons is that we have these special powers by which we have been able to keep it in check. I do not ask you merely to take that from me. I think I can demonstrate it quite clearly. As late as May of the present year when the Jubilee celebrations were close upon us, the Government received information that a gang was being formed with the intention of marrying those celebrations by terrorist outrages. The information was verified as carefully as it could be verified. At the same time no overt criminal act had been committed. Nothing had brought these conspirators within the ordinary law of the land and if we had not been able to use section 2 of the Act and arrest them for a few days very hastily I have no doubt whatever that the outrages which were being planned would have been committed. The gang would have become consolidated; they would have gained cohesion and learnt to act together and possibly for years to come they would have been a menace to the province. You may say that I am merely guessing when I say that the gang must have committed outrages. I think I am justified in saying that it is not a mere guess because when the leader of the gang was arrested he was found in possession of a revolver and there was good reason to believe that he would have used it. But he was caught just in time. I think this is a clear instance of the value of section 2 of the Act which is now in existence and of the Bill which we hope will become an Act. That is not an isolated instance. Within about a month of the occurrence we heard of another gang. Once again the information was verified and once again we were unable to proceed under the ordinary law because no overt criminal act had been committed. Once again the members of the gang were arrested for a short period, the gang was broken up before it had attained any cohesion and no outrages occurred. There is another use of this Act against terrorists which has proved very useful. As the House is doubtless aware the Punjab from time to time is pestered with the attentions of terrorists from other provinces. Sometimes they think that our own young men who are inclined to that cult have not been suffi-

ciently active and they come to stir them up. Sometimes they come to get recruits to terrorism and sometimes they come to arrange a liaison between this province and other provinces. What we would like of course is that other provinces should consume their own terrorist smoke and if they cannot do that there is no reason why we should not have the power to waft it back and see that terrorists from other provinces do not corrupt our own youth and put a blot upon the fair name of the Punjab by stirring up terrorist outrages within our boundaries. Just the other day within the last two or three days, we have had to serve an order under section 3 on a Bengal terrorist who came on one of those visits to our province. He was known to have access to arms and when he was arrested he was found in possession of them. Therefore it was possible to deal with him under the Arms Act and he has just completed a sentence under that Act. Now we are going to get rid of him by externing him under section 3 of the Punjab Criminal Law (Amendment) Act. I think every member of this House will approve of that action which saves our youth from being tempted to join the cult of terrorism and saves the fair name of the province.

In all these cases I think members who are acquainted with the ordinary law will agree with me that we could do nothing but for the powers provided by sections 2 and 3 of the Punjab Criminal Law (Amendment) Act.

Members will remember that at a recent debate in another place where a Bill of somewhat similar nature was under discussion, one of the arguments which was used by the opponents of that Bill was that the local provinces could cope with their difficulties by their own local laws. That argument was repeated by various prominent speakers in that other place. They seemed to me to assume that legislation of some kind was necessary and I think we may fairly take that recognition to mean that something like the present Bill is really required in the province. While civil disobedience and terrorism may not be very apparent to the ordinary man in the street at the present time, there are two other evils very definitely in evidence at the present time which cannot be dealt with adequately under the ordinary law. Of these the most serious at the present moment is communalism. I have no desire to enter into details on this subject, because the less said about communal differences the more likely they are to subside—an axiom which I wish to goodness that the press of the province would observe. With the new constitution close upon us it is essential for its good working that communalism should be kept in check until the various communities have had time to realise that they can live together in peace in spite of the apprehensions which they may entertain at present. It unfortunately pays unscrupulous persons to exploit communal tension, to fan the flame of communalism for their private ends, in order to sell their newspapers and for other forms of gain or in order to acquire popularity and the votes which popularity brings. That is one of the reasons why communal agitation lasts so very long and why the province is not allowed peace. You must have some power of controlling the activities of those unscrupulous persons who for their own ends exploit communal tension and the only way I know of controlling their actions is by the use of section 3 of the Punjab Criminal Law (Amendment) Act. It seems to me a very plain proposition that this section is very badly wanted indeed.

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The other evil which makes the necessity of the Punjab Criminal Law Amendment Act very evident to my mind is the evil of communism. We know that many young men have been trained in Moscow in the ways of communistic propaganda and have recently returned to this country, and to the Punjab in particular, with the object of subverting not only the government but the whole social system. Here again those of us who have inside information are in a better position to appreciate the magnitude of the evil and the danger attending on it than the ordinary man in the street. But I think I can convince members that it really does exist by quoting from one or two leaflets which have been found within the last few days.

Shaikh Muhammad Sadiq : Are they printed or typed ?

The Honourable Mr. D. J. Boyd : I have seen them. They were with me till this morning. They are cyclo-styled or gestetnered or duplicated. These leaflets are called Red Front and bear the sign of the hammer and sickle at the top proclaiming quite clearly what their origin is. I shall quote one or two passages from them. In one of them they say :

“ We have organised the Young Socialist League with view to organise the masses and prepare them for the revolution through armed insurrection, eventually destroying Capitalism and building up the Socialist state as a transition to a classless communist society.”

In another—

“ The reformists are clamouring for peace, but we want war, the war of the classes, between the old and the new, between the rich and the poor, Capitalism and Socialism. Victory shall be ours.”

In yet another—

“ Through a process of class struggle in which dynamic class consciousness will be created, we shall lead the workers and peasants to overthrow capitalism through armed insurrection, Proletarian revolution that is, and set up the dictatorship of the Proletariat as a transition to a classless society.”

The language is a trifle difficult and a trifle involved, but the same aim is there all through, to destroy the present system of society through blood-shed if necessary, in order to establish a communist state. These are the extracts, but I think members have heard enough of this sort of thing that it is not necessary to have very much more.

One might think that in a land of peasant proprietors like the Punjab, communism with its central theory of the abolition of private property in land and everything else, would have no chance whatever ; but a skilful communist does not go into a village and say to the people “ You have no right to own land, give it up and cultivate as servants of a communist state.” If he unmasked his battery in that way, he would not get a hearing at all. What he actually does is to hold meetings, diwans or whatever you may call them, in villages, preferably in a district under settlement, at which he cunningly exploits the desire of the zamindar that the land revenue demand should be kept as low as possible, represents the Government as purely tyrannical and selfish and hopes, by stirring up discontent and civil commotion, finally to seize the power which will enable him to put his theories into practice and it must be remembered that the central theory of his system is that there shall be no such thing as private property. That is the last thing one would like to see flourish in the Punjab and I

know of no way to stop propaganda of this kind except by the use of section 3.

Members will remember that last year we did notify various communist associations as unlawful associations. In spite of that notification which has very greatly hampered their activities, their members have succeeded to some extent in evading the consequences of the declaration and they are still striving in underhand ways to tamper with the loyalty of peasants and manual workers and motor drivers and various other people of that kind, and you cannot entirely stop their activities merely by declaring them unlawful associations. The use of section 3 has been found expeditious and effective because by the use of the section you can control their movements, you can prevent them from attending these diwans and you can prevent them from making speeches at those diwans and otherwise propagating the tenets of communism. For this reason the Government regard the retention of the powers conferred by sections 2 and 3 as essential. We consider that it would be most unfair to our successors under the new constitution if we failed to pass on these powers to them. They will have a sufficiently difficult time in any case, until the ship of state has found herself, and they should certainly be armed with powers adequate to prevent the spread of subversive movements. The fact that these powers will under the new constitution be ordinarily invoked, if at all, by a government responsible to the legislature is, I think, sufficient guarantee that they will not be used unfairly to the detriment of any one community. I think we can claim that in the past they have not been used unfairly. The powers under section 2 have been used in 46 cases of which 40 were cases of terrorism and 6, cases of communists. The powers under section 3 have been used in 131 cases altogether in these three years. The use of these sections has been sparing. While section 2 has in the past only been used against communists and terrorists, I do not wish to bind the government of the future by any undertaking regarding the manner in which the section should be used. So much for chapter II of the Bill.

Chapter III of the Bill does not require much explanation. It is obvious that if you wish to stop propaganda of a subversive nature, you must have the power to ascertain what is being said at public meetings. The provisions of this chapter are of a perfectly reasonable nature and I do not think that any fair objection can be taken to them.

Chapter IV contains special provisions against instigation to the illegal refusal of the payment of certain liabilities. In the first place, I would like to point out that this chapter does not apply automatically to the whole province but only to such area as is declared to be a notified area and it only applies to such dues of Government as are declared to be a notified liability. The chapter makes penal the instigation to refuse the payment of Government dues. It is not that the withholding of payment is penal. It is the man who instigates others to withhold payment who falls within the scope of this chapter and it is against him that the chapter is aimed. During the debate in which this Bill was first discussed by the Council, the Leader of the National Unionist Party rightly declared himself as totally opposed to the withholding of Government's just dues, and I believe that he has consistently maintained that attitude ever since. I think we can fairly expect him to support us in asking that this portion of the Bill

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be passed into law. I would at the same time like to endorse the statement made by Rao Bahadur Chaudhri Chhotu Ram when he said that "the zamindar is very reluctant to hear anything about non-payment of land revenue." This is perfectly true and the Government have a firm trust in the loyalty and commonsense of the peasantry of the Punjab. But this very fact makes it incumbent on Government to shield the zamindar from the unwelcome attentions of those who would use him as a pawn in their own political game.

I would like to draw special attention to the explanation to clause 11 which safeguards comments made in good faith regarding the incidence, rates or amounts of a notified liability without instigating refusal to pay. All fair comments, all attempts to get land revenue reduced by constitutional means are free from the mischief of this chapter of the Punjab Criminal Law (Amendment) Act; and no law-abiding citizen need be afraid of the provisions of chapter IV. Now, it is for members seriously to consider what will be the position of the ministry under the new constitution if they are confronted with a movement for non-payment of Government dues and do not possess the power which this chapter gives. It is not too much to assume that if an attempt is made by any party or class to obstruct the orderly introduction of the new constitution, one of the methods employed will be the instigating of non-payment of Government dues; and while there is no reason at present to apprehend that the new constitution will not be introduced with the approval and support of all reasonable men, at the same time it would be folly to deprive the Government of the future of the powers necessary to meet any emergency that might possibly arise; and this I think is the kind of emergency which is most likely to arise.

With regard to chapter V very little need be said. It provides punishment for taking part in mock funeral ceremonies with the intention of intimidating, insulting or annoying the unfortunate victim of this despicable form of pressure. I do not think there is any form of pressure that is more abhorrent to the mind of an average Punjabi than this very low down expression of disapprobation. I think all members will support the measure intended to provide a swift and sure means of checking it. With regard to the last chapter of the Bill I need only draw attention to the fact that it is proposed that offences punishable under this Act shall be cognisable and to the last clause which as I have already mentioned secures continuous action of the present law when it expires. I move that the Punjab Criminal Law (Amendment) Bill be taken into consideration.

Mr. President : Motion moved—

That the Punjab Criminal Law (Amendment) Bill be taken into consideration at once.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I regret that I cannot support the motion which has been put forward by the Honourable Finance Member. I have very carefully listened to the arguments that he put forth in support of his motion and I find that not one of them is convincing. First of all the Honourable Member started by saying that this Bill is the same as was passed in 1932 and that the reasons which existed then for passing this measure exist now. He referred to four

or five such reasons. He said that there was civil disobedience movement at that time and a measure of this kind was needed then, a measure to combat the forces of civil disobedience movement. At the same time he admitted that there was no civil disobedience movement at present. The conclusion then is that there is no need for such a measure at present. But he added that there was no guarantee that this movement will not be revived. If this argument is to be accepted then every kind of oppressive measure should be passed by this Council because, who can guarantee for the future? It is argued, "Civil disobedience movement may or may not be revived, but we will have a Bill on the statute book for certain." I do not see any sense in this argument. May I say one thing to the Honourable Finance Member, movements like the civil disobedience movement cannot last long. They cannot be of a permanent nature and therefore we cannot have a permanent measure to defeat a passing movement. Those were extraordinary days brought about by various causes into which we need not go into at present; but those causes do not exist now. Therefore it is futile to advance an argument of this kind to make this emergency measure which was meant for three years a permanent measure. That would be an entirely wrong thing to do. I may submit even that had this measure been in existence at the time when the civil disobedience movement began, the measure would have proved ineffective. It was only when the movement had spent its force that this measure came into being and it may not be altogether correct to say that it was this measure that suppressed the movement. I hold that the movement was of such an abnormal character, that it had spent its force and could not go beyond a certain limited period. That is the real explanation why the movement died out after three or four years. Had this measure not come into existence at all, my own conviction is that this movement would not have gone on for any length of time. People are not prepared to bear lathi charges and to go to jails for all times to come. There were certain reasons then which impelled the people to court jails and to face lathi charges, to suffer tortures and to make self-sacrifices. It is therefore futile to take credit for this Bill. In any case there is no civil disobedience movement at present in the province. The Honourable Finance Member could not find any movement in the province during the last two or three years which could be dubbed as civil disobedience movement. I entirely agree with him that the civil disobedience movement which aims at breaking the law of the land cannot be tolerated by any person. Law and order have been preserved in the province during the past few years and it is most unjust that a Bill of this kind should be presented to the province as a reward for its peace and tranquillity, a measure which is the mere negation of liberty. So far with regard to the argument about the civil disobedience movement.

The next argument advanced by the Honourable Member was that we were likely to have a terrorist movement. In any case it did exist then and therefore there was a necessity at that time. But I can say now that there is no terrorist movement in the Punjab. There are 8,85,00,000 of people living in the Punjab and the Honourable mover has given only two or three instances of terrorist gangs. These cases have not been actually tested in a court of law and I do not think we can accept the report of the Criminal Investigation Department that there was a gang at the time of the last Silver

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Jubilee celebrations. If a person carried an unlicensed revolver, that is no justification for holding that in the Punjab there is a crop of terrorist movement. On the other hand let me tell the Government that the Silver Jubilee celebrations gave the most marvellous manifestation of the loyalty of the people. (*Hear, hear*). If anything the celebrations showed that the province was most loyal and law-abiding and that they were not prepared to tolerate either the terrorists or those who created disturbances. Then, is this the reward which the Government proposes to give to the loyal manifestation of the people who gave money and time and went about singing songs of loyalty? The Honourable Member referred to two or three instances of gangs about the truth or accuracy of which there are extremely grave doubts.

The Honourable Mr. D. J. Boyd : Does the honourable member then doubt the correctness of my statement?

Mr. Nanak Chand Pandit : No. I doubt the truth of the Criminal Investigation Department report on which the Honourable Member's statement is based. Even accepting the implications contained in the Criminal Investigation Department report, I contend that it does not mean that the province is prepared to listen to terrorists or to give shelter to them. The instance of a gang here and there does not show that the province is really ripe for receiving the pernicious doctrine of terrorism. If there is anything that this province can pride itself on it is this that it has been singularly free from the pernicious influence of the terrorists movement. It is not therefore fair to say that there are terrorists in the province or that the people will give shelter to them.

The other argument put forward by the Honourable Member is equally fallacious. He said that terrorists from other provinces might come to this province. In that case there is already the ordinary law of the land which can be applied to them and they can be externed. There is also the Regulation of 1818. The Government had been suppressing movements of this kind in 1906, 1907 and 1908 without the provisions of this extraordinary law. After all, it is not a very difficult thing to take hold of one or two people and ask them to go out of the province. I therefore consider it an insult to the intelligence of the Punjab that we should be told after this manifestation of loyalty that a stern measure of this sort is required so that terrorists here and there or a gang here and there may be caught hold of and dealt with under the provisions of this measure. Further, if this argument is to be accepted, why then should this measure deal with terrorists only in this manner and not deal with dacoits and murderers and plunderers in the same manner? So far as these two classes of enemies to society are concerned, there is nothing to choose between one or the other. Put the law into operation as regards the dacoits and murderers and save the province from seven or eight hundred murders which take place in the province every year. This argument of the terrorist movement from Bengal and other provinces getting hold of our young men does not at all appeal to me. Evidently Government desires to give a certificate in the shape of this Bill to the people of the Punjab for their patriotism and loyal fervour which they manifested on the Jubilee day!

The next argument advanced by the Honourable Finance Member is that there is communalism in the province. I ask the Honourable Finance Member, has not communalism existed in this province since the beginning of history? Communalism in one form or another has always been there. The question is, what are the causes which have intensified communal bitterness in this province? My belief honestly and frankly, is that the separate electorates in the province, the system of Government which was introduced under the last reforms and which has been made permanent under the new Act, is responsible for this sort of communalism. When a Muhammadan has to go for the votes of his own Muhammadan brothers, he has no regard for either the Sikh or the Hindu and the same thing applies to the other communities. It is this system of Government that is responsible for it. You may say that I am mad on this subject, but I do very sincerely and honestly feel that if joint electorates had existed, these communal movements in this shape or form would never have existed and would never have brought a stain on the fair name of this province. That is my firm conviction and Government at one time gave sanction to these methods which are not employed in any responsible country and it now blames the people for the results which are the direct product of its methods. I do say this and I could not refrain from writing some articles in the press on this question, that time will come when the Government will find itself face to face with civil discord in this province and that is due to your own policy and you cannot blame the people of this province. Undoubtedly there are certain people who want separate electorates. But the Government being fully aware of the dangers into which communalism leads should have said 'no' to those people and I would not shirk the responsibility of agreeing to no reforms so long as communal movement in this shape or form existed. But I do submit that the blame for this movement based on communalism cannot be laid wholly or solely at the door of the communities alone. The Government must share and share to a very considerable extent the blame in this matter. This argument therefore should not be utilised when you are talking of communal movement in this province. After all, there have been riots in the past. In 1927-28 there were very serious riots and there was no Criminal Law Amendment Act in this form. Still the thing was suppressed. Moreover, is it not telling the future legislature that we are going to say what you should do, we would frame laws for the guidance of the people who succeed us. We may have legal authority to do this, but we have no moral authority. The Honourable Finance Member, knows that the Governor under the new constitution has been given very wide powers for dealing with extraordinary situations. The power has already been given to the Governors in case of any destruction of the rights of a minority when there is menace to peace and tranquility. In the face of that what is the necessity for a Bill like this to be placed on the statute book which reason and common sense alike condemn? After all what is there in the Criminal Law Amendment Bill which is not already there in the existing law? You can deport people in the same way. Section 2 or 3 may be very necessary; but they already exist in one shape or other and those powers can always be employed. Therefore I do say with all the emphasis that I can command that this argument has got absolutely no force. The other argument advanced by the

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Honourable Finance Member is that we have got communism in this province. I am afraid I cannot accept this. There is no communism in this province. The Honourable Member has read from a pamphlet. Perhaps the ordinary person would not be able to follow the doctrines of communism. I do not know how many of us have read that pamphlet. There are many things in our society, in our customs and habits which will not be helpful to the growth of communism. First of all there is the system of caste. The Muhammadans, the Sikhs, the Arya Samajist and others and everybody else have tried to do away with caste in this province but in vain. And so long as caste exists here communism cannot come in. It is an impossibility. People are not prepared to tolerate the kinds of doctrine or theories propounded by communists. Can you possibly talk to the Pathan and the Mochi in the same way? Will those people be prepared to accept this doctrine? You have yourself admitted that where there is a system of peasant proprietors, land distributed evenly and equally, communism cannot possibly be tolerated by the people. This is an argument certainly in favour of those who say that communism cannot possibly find a place here. After all communism has been tried in various places outside India and it has failed except in one country Russia and we do not know much about that country, and if the British Government goes and makes alliance with Russia, with what face do you preach here to us that we should not encourage this doctrine? Here is the British Government, an ally of the communist Government (*An honourable member*: Is it?), they have accepted it on equal terms. Russia was an outcaste state once. To-day the British Government recognise Russia. I therefore say, please break off all connection with Russia; do not have anything to do with Russia; we have been taught to be afraid of Russia. We are told it is a terrible monster and Government must guard the frontiers of India and the British Government by example should show to the world that it has no sympathy with Russia and her doctrines and then people would listen to the voice of the Honourable Finance Member. But you are only preaching this theory to us. You are putting forward your arguments to us through which we at once see. (*An honourable member*: What about socialism?) Socialism is entirely different. There was a socialist Government in England and India was governed by that Government. But communism nobody understands here in the Punjab. The system of castes and hundred other 'sms that exists here are arguments to show that we are not prepared to accept communism as preached in the west. It has no chance here whatsoever. The real trouble—and I wish the Honourable Finance Member would take note of it—is the unemployment of the large number of people in this and other provinces. This problem is never seriously tackled by Government. Whenever a youngman commits suicide and whenever a youngman goes from door to door cursing rich men, persons in power, or authority, do not take him as preaching communism; but go deep into the matter and consider, here is a man who inspite of his training and high education, cannot get Rs. 50 or even 20 which is necessary for bare sustenance. In other countries the problem of unemployment is tackled in all seriousness. But here the Government is entirely callous even to the very moderate demands of the unemployed. The problem exists among Hindus, among Sikhs, among Muslims, among the educated and among the

uneducated. Government at one time had appointed some sort of committee which made its recommendations and the whole thing ended there. Now this is a most serious problem. It has been accepted by the Bengal Government that terrorist movement gathers strength on account of unemployed, immature young men and young women. If you therefore want sincere advice from those who call themselves representatives of the people, it is that you must go to the very root of the problem. It is not your communism or communalism but the real thing is that people have not got enough to eat. Muhammadans and Hindus fight because they know that Government does not provide jobs for all. Try to tackle this problem. Remember what the Rt. Honourable Sir Samuel Hoare said: "We have given to India to-day a very big step in self-Government. Now do not try to undo it." Do not try to throttle the new Government before it has started functioning. Large masses of men and women would be enfranchised now. They are clamouring for certain rights. I beg and pray, do not have their voice crushed as you would be crushing by passing a legislation of this kind. The Honourable the Finance Member would not be there in the new legislature. This official bloc would disappear. But we will be leaving a heritage of bondage to our successors in the Council or the Assembly. Let us not say to them, "you must fly, you must ride, you must swim, but only with these bonds round your feet and necks." That is not fair. Let the province have a fair trial. If your admiration for their loyalty is genuine, if you sincerely believe that the province is really loyal, why do you not trust the province? Why should you put on the statute books such harsh laws? If this Bill is passed in this Council by the votes of the elected members, I can only say that these people do not represent the feeling outside. The Assembly, through its elected members, has rejected a similar measure. This Council was elected only for two years. It has outlived its utility. It was not meant to go on for 5 or 6 years. We had a mandate from the people that after two years there would be a new constitution. Fortunately for some members the legislature has gone on for six years. But if you do not give voice to the feelings of the people, then you would be giving an impression that you no longer represent the people. Under the new reforms you should give the people a chance to express themselves through the new legislatures; you are coming forward and putting chains on them and on their successors. Now this measure is going to be permanent. That itself is a sufficient condemnation of the measure. I can go on dealing with this matter; but I say you must trust the people; you must not consider that we are here to say *ditto* to what the Government say. The Government is entirely wrong. It does not know the feelings of the country. It is really casting a stain on the loyalty of the people. In the Great War before 1919 the people of this province gave splendid proof of their bravery and of their loyalty and the reward to them was the "Rowlatt" Act. Do not provoke the people to despair. That is a wrong thing to do. After the province has enjoyed comparative peace—I say comparative because we are not legislating for the ordinary state of affairs—it is wrong to bring in measures of this kind. You must therefore stay your hands. Let the Punjab have the proof of your goodwill and trust in her people, and let the world know that the province can do without a legislation of this kind.

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural): Being a new recruit to this honourable House, I crave the indulgence of the House. The Honourable Finance Member while giving his reasons for putting this Bill permanently on the Statute Book said that the use of the Act, which was of a temporary character, has been fair and sparing. I beg to differ from the Honourable the Finance Member in that respect. The temporary measure was passed in 1932 and in 1934, there was neither the civil disobedience movement nor terrorism but still, I will endeavour to show that the Government in order to get a taste of that power which was given to it still used it; I beg to say that "use" would not be the correct word and I may be allowed to say "abused," that power which was given by the legislature to the Government (*hear, hear*). When the Government found that there was no valid occasion for the exercise of that measure, the Government sought to create the occasion for the use of that measure. The occasion that I refer to was the occasion in October 1934 when a notice was served on the present head of the Ahmadya community on the 17th of October 1934 asking thereby, or ordering him under section 3 (1) (d) of the Punjab Criminal Law (Amendment) Act to cancel and revoke any summons sent by him or under his authority to any person to attend Qadian on the dates 21st of October to 23rd October inclusive and to abstain until after the 24th of October from summoning any person or persons to Qadian and to abstain until the 24th of October from permitting or feeding any one in Qadian and to abstain until after the 24th of October from making any arrangements for residence at Qadian of any persons called by him and from providing them with food and shelter. I beg to ask, was the head of the Ahmadya community, who was served with this notice, carrying on civil disobedience at the time the notice was served on him? Was he carrying on any terrorism at the time the notice was served on him or was he exploiting or having undue advantage of "communalism"? I say no. These (civil disobedience, terrorism and communalism) were the reasons given by the Honourable Finance Member for bringing this measure on the Statute Book permanently. But I submit that on this occasion, at any rate, and there would be many forthcoming I am sure where the Government has not only not made a fair use of this measure, but abused the measure. Then under section 7 of the same Act, notices have been sent to head constables ordering them to attend meetings held by school children; children who do not even know what the word politics means, children who cannot realise what civil disobedience means and children who have absolutely no initiative. These meetings were held not for the purpose of discussing politics, but for the purpose of developing oratory among its members. On the 5th of April 1935 a notice of this kind was issued to a head constable to attend the meeting of the **گرم اجلاس** which was announced to be held at Qadian in the **مدرسه احمدیہ** (a school); a meeting to be held in a school obviously for the purpose of creating some interest not in regard to politics but with regard to something that was being taught in the school. That was a meeting of school children. Does the Government justify the statement that this was a fair and sparing use of this measure? I would submit no. Then another notice was issued regarding the meeting of the **مجلس** which was held at the house of the **آم انہ و منین**. This too was a meeting consisting of members who were all children and held with that

same object, i.e., discussing religious tenets and trying to inculcate the power of oratory amongst the members thereof. Then another notice was issued on the 3rd of April 1935 regarding مجلس حزب الله meeting of which was to be held in some house in the mohalla دارالرحمت. Now you ordered a head constable to go about in a mohalla inhabited by perfectly loyal and perfectly respectable citizens and citizens who had done nothing and were doing nothing against public tranquillity or public peace, causing no annoyance to the Government whatsoever. These constables were expected to go into that mohalla to roam about in the whole of the mohalla trying to find the house where the meeting was to be held. Not only were these constables to go there by themselves but they were in many instances asked to take with them even non-official people and other persons who were not head constables themselves. Was there any apprehension in the minds of the Government that these children, who were holding absolutely harmless meetings in their private houses, would try to upset the Government or to upset the public peace? I submit no. That mohalla in which a constable along with four or five or six other people had gone under this order, would the inhabitants thereof have taken this as a manifestation of the kindness of the Government for themselves or would they have taken that as a manifestation that even in their own houses, their children whom they wanted to grow up as educated children, whom they wanted not only to grow up as educated children but to know something about their spiritual welfare, could not only not discuss religion, but could not even try to create harmonious relations among themselves? Would they take this as a manifestation of that affection which every Government should have for the governed? I submit no. There is another notice dated the 5th of April 1935 asking the constable to attend the meeting of زم احمدیہ to be held at Qadian in the مدرسه احمدیہ the same school again. There is another notice against a meeting of the زم انصار to be held at مدرسه احمدیہ dated the 6th April 1935. These are six instances which I bring to the notice of the House proving definitely not only that it was an unfair use of the Act but that it was a rank abuse of the power which the legislature gave to the Government. There are certain lines of a poem which I would quote here with just one little difference. Instead of saying

“ Speak gently, it is better far to rule by love than fear ”

I would say :

“ Rule gently, it is better far to rule by love than fear. ”

No Government would by that self-same power given to it by the legislature try to lose the confidence of the people that it is governing. Perfectly loyal citizens who had absolutely neither before nor at the time of the notice nor even after the notice given any genuine occasion to the Government against them, were, if I might be allowed to say, harassed by the action taken under the Act which is now being sought to be placed permanently on the statute book. If a weapon is given to somebody not permanently but temporarily, the use he will make of that weapon will certainly be sparing and fair in order that when the time comes to ask for that weapon to be given permanently nobody might have occasion to get up and say because you did not use that weapon fairly, therefore we do not give you that power

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for all times to come. But in this case that power when it was only a temporary power was not fairly used, and therefore there can be a just apprehension in the minds of the representatives of the people that when this power is permanently given to the Government it certainly shall not be used for the benefit of the people or in a way which is not calculated to show the people that they are not being fairly treated by the Government which they have every time and on every occasion, treated very fairly indeed. This measure if it is placed permanently on the statute book, when it has been shown that during the time it was only a temporary measure it was abused, would certainly give the Government power to create opportunities for the self-same taste of satisfaction in the use of it referred before, occasion or no occasion. I submit that when it is permanently placed on the statute book such occasions will be made to arise and Government at one time or another would have the satisfaction to feel or to say: "We were given a power; there is no occasion to use it, and, therefore we would abuse it and create an opportunity for doing so whether there is justification for it or not." Therefore I would again submit that it is "better far to rule by love than fear." Let the Government create trust in the people as the people have on the occasion of the jubilee shown that they place as much trust in the Government, have as much affection for the Government, have as much loyalty for the King Emperor as any other peoples in other parts of the Empire or in other Governments can have or manifest. No grander manifestation than that at the time of the jubilee could have been shown by the people of this province. And I would be right in saying that no other province had beaten the Punjab in the manifestations of loyalty exhibited on that occasion. To a province of that kind a treatment like this, a reward like this cannot even be thought of. A reward in the shape of this measure which has not been fairly used in the past, which I would say has been abused but which is now wrapped up in an envelope addressed "for the good of the people" whereas in truth it only shows that the people could never more be trusted by Government is a most inadequate reward. I would therefore oppose this measure.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): The Honourable Finance Member appealed for consistency to the honourable the Leader of the Opposition on this side. It means, I take it, that he wants me also to be consistent. Lest I be accused of being inconsistent I have cast my arguments in the line of consistence throughout and hope to show that my consistence is absolutey right whereas his persistence in carrying this Bill into an Act is wrong. The fine speech delivered by my honourable friend Chaudhri Asadullah Khan has made it clear that at least one section of the Punjab feels aggrieved at the orders imposed on the head of that community by the Government and on the people of that particular town. Similarly there may be chances, not to-day but to-morrow, probably not to-morrow but ten years hence, for misusing this power. It might be Ahrars to-morrow, it might be the Muslim League the next day, it might be the Akali movement five years hence, which would be the victim. It is easy to argue that the necessity for executive action exists. The Honourable Mr. Boyd is only fifty-three years old but I could quote the history of the times when he was not thought of in this world,

may far, far back, five, ten or even five thousands of years ago; right down from the days of the Pharaohs to the days of Mr. Boyd, this demand for executive action has existed. The Honourable Mr. Boyd is not the first man to ask for these powers. Even in the days when the Pharaohs ruled this power was in existence. And what is this power? History records of several occasions when there was a fight between the executive and the judiciary. The executive says, we have all the wisdom in the world because we know all facts, we have extraordinary sources of information, we know from the criminal intelligence department what is going on in the minds of the people; give us credit. We refuse to divulge the information as evidence before the judiciary, because the judicial officer and the set of lawyers, the entire lot of them is rotten and cannot appreciate. That is the argument which has been traditionally put forward. These gentlemen on our executive side have themselves been judicial officers sometime in their life and yet when they leave the judicial side they consider that the judicial officer is only a third rate official and the executive are not prepared to present their case before him but would proceed to take action on the verdict of the police. I know that by themselves the executive officers are often good men. I know that Mr. Puckle is not a blood-thirsty tyrant and I have the pleasure of knowing him and can say that he is a perfect gentleman. I know equally well that Mr. Boyd is not a political blue-beard who is going to try to kill people suspected of political movements. But look at what is happening. If the present Government with the mild Mr. Puckle and the mild Mr. Boyd could intern twenty or twenty-seven people within two months, if they could stop the *Zamindar* from publication by demanding heavy security, the *Siyasat* and the other newspaper, the *Ahsan*, by similar demand for security, what will happen in the next ten years, can anyone say? When party politics will come into force and alter the phase of things in this country, Mr. Boyd who is now moving this Bill would have retired and perhaps would have quietly settled in an English countryside and would not like to be disturbed with what happens here. But any one who knows the course of party politics in history can foresee the future when this Bill is enacted. We are going, by this Bill, to arm our Government with powers which Seignor Mussolini enjoys now in Italy. What has Mussolini done? The ex-premier of Italy, Seignor Nitti is hiding somewhere in Paris. Similarly in Germany under the Hitler regime. The opponents of Hitler are however nowhere hiding for they have been killed forthwith, or expelled in thousands. Again, in Turkey under the regime of Mustapha Kemal, the finest man that any nation can produce, where is Rouf Bey and where the commanders and admirals of the Turkish army and the navy? They had to leave the country and live in other countries for ten years after the beginning of the Turkish Republic, simply because they could not agree with the politics of Mustapha Kemal and were exiled. And how can the course of politics in this country tell a different tale? I ask, is this the jubilee present that the Government is giving to the Punjab? The Government have given medals to many persons here. Is this Bill a present to the nation after its impressive manifestation of loyalty to the King Emperor? It only means that the Government thinks that the people at heart are revolutionaries, that they need a *chabuk*, they require sticks and perhaps jailing, because they do not really have any affection.

[Sh. Muhammad Sadiq.]

for the King Emperor, and for the maintenance of law and order. And how does the Government come to this conclusion? Why? The criminal intelligence staff tells them so. The Honourable Mr. Boyd showed two cyclostyled pamphlets, I do not know where they come from. I have been for ten years a member of this House and these communists have never thought fit to send me one circular of theirs, but they always send a circular to Mr. Boyd. Is there any honourable member here who can stand up and say that he has ever received a single circular from a communist source? I am sure there is none. I do not know from which museum they produce these circulars and pamphlets. I do not know where they are printed. I do not know where they are copied from, from the literature of the second or the third Internationale. But they are produced every time the Bill comes. Some circular is produced by the honourable member and he always refers to it but never places it on the table. He always folds it back and pockets it and when asked, he says he need not bother the House further about it. Of course he need not bother us, but what is the opinion it leaves behind? We find hundreds of handbills advertising patent medicines, this and that, distributed to us every day. But are we buying any of them? No, the people of the Punjab have sense enough, they are no fools to destroy the peace of their own country because they have read some such circular. They will not start civil disobedience against their own people who will be at the helm of the Government within twelve months. Let me refer to the government that is to come in one year's time. The administration will change and there will no longer be the members of the Indian Civil Service in charge of this subject but an Indian Minister, a politician he would be. The question therefore is whether we can entrust these powers to a politician. We have seen that nearly 50 to 60 thousand people were imprisoned by the present administration a few years back, so if we entrust these powers to politicians they may be used for political purposes and what would happen? Let the party in power, for instance, be Master Tara Singh's party. We will see all Giani Sher Singh's men running beyond Delhi if this power were invoked by the party running the Government. If Mussolini can use it, if Herr Hitler can massacre forty of his best lieutenants simply because they did not follow his programme, if in Mexico people could be turned out of the country in thousands, if the same could happen in Uruguay, Paraguay, Bolivia and in fact everywhere in the world, what is there to suggest that the course of events would not be exactly similar in India as well? This Act will be like a poisoned sweet in a child's hand. I ask the Government, give milk to the baby, give sweets but never poison and still never a poisoned sweet. Power once in one's possession no one wants to give it up whether white or brown. It is not your fault because of your white skin and it will not be our fault, because we have brown skin. It is only human nature. I am just now acting as a democrat. Give me power and I will be perhaps the worst autocrat. Because a judge punishes a criminal we cannot presume that he will not commit the same crime himself. A lawyer while he is arguing for punishing a certain offence is not himself in all cases above committing the same offence himself. It is therefore no new thing, this abuse and misuse of power. I am not attacking the present Government at all, though I know they have also misused power, because their regime is going

to finish very soon ; but I ask what will happen in the future ? Is this power to be handed over to an untried Government formed on the basis of communalism, and on the ground of caste and creed ? Who is going to prevent its abuse and how ? Let us suppose that there is a Minister and it is election time. Let us also take it that there is an opposition party fighting in the elections. The police officer has that party arrested for a few days till the election time is over, and when he goes to the Minister in office, he is greeted with thanks and the Minister says I can rule very nicely now and if every time these chaps oppose how nice it would be if the police could make use of this power. Is this that the Government want to offer us for the future ? I have very grave apprehensions and I honestly and sincerely assure the House that this power could be misused. It is being misused to-day in Italy, in Russia, in Australia, in Spain. Go through the newspapers for the last twenty years and you find the same tale repeated over the whole of Latin America. Only a few days ago in Greece, Kondylis says we will have monarchy and the Prime Minister disappears in five minutes, law and order changes instantly because the executive have got the power in its hands. I tell my Civil Service friends opposite, you may be leaving, you may be easily pensioned off, but think of us. Who shall stop the misuse of the power in the hands of the party in power ? Surely the Governor is not going to poke his nose into the little details of government and a letter from the Minister to the Superintendent of Police will be sufficient indication and the party opposed to the Minister will disappear, may be to return after the elections are over. A letter from Government to an Inspector or a Superintendent of Police will be an indication that a party has to disappear. You will find that the election system is useless and the Honourable Revenue Member will find that there will be no necessity for Election Commissioner which post he has often held. My friend, the Finance Member, in bringing forward this Bill entertains grave fears for the future government that things will not work unless there is some special power vested in the executive. Does he feel that it will be more harmful not to have these powers than to have them ? The honourable friend who is going to give us the present of this Bill says that future governments must be protected. He says that it would be unfair to deprive the future government of the powers exercisable under the Criminal Law Amendment Act. What worries me is whether it would be safe to entrust these powers to popular Ministers. If I become a Minister to-morrow what is there to prevent me from arresting my opponents during elections. If the future government will not have the strength enough to pass such Acts under grave provocation the sooner that government disappears the better. Let them test their own capacity. Let them not take to the method of pistol shooting which we see in Mexican films, because that method will not succeed. I want to make myself clear. I do not say that they will be there to misuse the power. We have amongst us men who are greater bureaucrats than the bureaucrats in the present government. You have sometimes to keep the balance between communities and sometimes not to keep the balance in many cases (*laughter*). You call people unscrupulous. Are you sure in your heart of hearts that you never used to have a *tamasha* between two communities ? I am doubtful. Why have this power which is liable to abuse ?

[Sb. Muhammad Sadiq.]

Just think. Any gazetted officer will have the power to arrest a person for fifteen days for a breach of the peace, which means even a forest officer not necessarily an Imperial Service man. It does not even say a magistrate, it says any gazetted officer. Any veterinary surgeon who has fear of the breach of peace will arrest anybody.

The Honourable Mr. D. J. Boyd : The gazetted officer must be authorised to use this power by a general or special order of Government.

Shaikh Muhammad Sadiq : You can authorise anybody. You might authorise a veterinary assistant for this purpose. He will say : you are not fit to be examined by a good doctor ; I will hand you over to a salotri and the salotri will say to him ; you are not a man, so I am going to treat you like a donkey.

My friend, the Finance Member, says I have a poor opinion of our future Ministers. I say 99 per cent. of them will be good men, even super-men, but it is the one per cent. that is worrying me every time. There are times when communalism might run riot. There will be difficult times for which we have to provide ourselves. If you bring a Bill which will give the future government all the emergency power, emergency will always exist. I certainly do think that all governments should possess certain powers but they should be clearly defined. The first thing for you to do is to tell us what are the terms of the recently passed Criminal Law Amendment Act which was certified by the Governor-General. The Government of India has passed it. You show us whether it is not on all fours with the Bill now before us, so that we may know whether these powers are necessary or not. At least Government ought to have the courtesy to show us the Bill passed by the Imperial Council in Simla and tell us what powers it confers. You should have at least shown us what was passed in Bombay. There were some very important amendments which were carried with the consent of the Government. But here with a pistol at our head you want us to do everything in one day. If this is your attitude to-day that we should read the Bill, discuss it and pass it the same day, then what reasonableness can be expected of the future Government? With these powers, you can to-morrow stop all the presses in the Punjab.

The Honourable Mr. D. J. Boyd : This has nothing to do with the press.

Shaikh Muhammad Sadiq : This is one of the ways you do it. You put the whole staff in prison. You will pass an order that no paper shall be printed ; you will say that such and such a paper shall not be delivered. It comes to the same thing. You will say ; "you should not sit, you should not sneeze, you should not do this thing, you should not do that thing." You have all the power under this Act. I wish to remind you of the saying that an Englishman's home is his castle. Please do not make an Indian's home his jail. Why bring this Act on the statute book permanently. If you must have it, pass it for one year or two till the new constitution comes into force and leave it to the future government whether they should have it permanently or not. Next year the new Council is coming. Pass it for two years if you must. There will be ample time to reconsider it then. Why do you want to make this Act permanent? If you say things are bad,

and seek our help we will gladly help you. Our object is not to destroy the peace of the country but to help Government. We want sincerely to help you, it is not you but ourselves whom we will be helping by maintaining the peace of the country. Then come forward with a clean hand. Tell us what your difficulties are, we shall consider them and try to remove them by reasonable methods. If you just say, no, the Bill must be considered and passed at once, then my answer will be a definite, no, no. We want to consider it on its own merits.

The Honourable Finance Member spoke of sections 2 and 3. Would he like it to be applied on him? Would he like to live in a country permanently where sections 2 and 3 are in force? What did Austin Chamberlain say about Germany about three months ago? He said, that none of the British people who have to be admirers of Hitler and Mussolini would like to live in Germany and Italy. That is a fact. Mussolini and Hitler and other dictators invested with extraordinary powers have been abusing them in order to crush opposition. Are you going back to dictatorship? I want you to give us reforms. On the other hand, you thrust us 800 years back. Trust us as we are trusting you. It may be that in India riots have taken place, so they have even in the best administered country in the world. The production of communist circular in Council is an old trick not used for the first time. Some five years back when there was a general election in England some letter was said to have been sent by the Russian Ambassador to the Labour party. It was photographed by Mr. Baldwin's party and on the strength of that letter elections took place which brought the present Government into power. That letter was later proved to be a forged letter.

The Honourable Mr. D. J. Boyd : That was never proved to have been forged.

Shaikh Muhammad Sadiq : That was never proved not to have been forged (*laughter*). Elections were fought on the basis of that letter which was denied to have been received by Labour party from Russian authorities. The conservatives had a huge majority and they ruled for five years. If this can happen in England, why can it not happen in India. So I beg of you not to press the Bill. Suppose I were the Prime Minister and Mr. Boyd my opponent. Fancy my ordering Mr. Boyd : you shall sit in your drawing room, you are not to come out till 4 o'clock, you will take lunch at 6 o'clock, you will not write letters to any one, and not leave this house for one year and so on and that if you break the law, you will suffer imprisonment for so many years. All these things are possible under this measure. How would he like it? You know what party system is. When a party system of Government is introduced in the province under the new constitution the powers now sought to be taken might be abused by the Government in power. You have been a high officer. You do not know what politics are. If you enter politics and spend one year in jail come under the clutches of Mussolini, receive a baton from the police constable or if a macaroni is thrust down your throat in an Italian jail then you will know what jail is and what liberty is. The Indian Superintendent of Police dare not touch you. But what about us? The police do things that you will not believe, and yet which member is here who will stand up and say

[Sh. Muhammad Sadiq.]

that what I say is not true or that the powers are not being misused. The people are afraid of the police. You have been a ruler for 35 years. You have not been ruled, so you do not know.

The Honourable Mr. D. J. Boyd : I was held up in Lahore myself.

Shaikh Muhammad Sadiq : Yes, but then that person must have apologised! He said : *hamara gustakhi muafi* Or perhaps he mistook you for a commercial traveller.

The Honourable Mr. D. J. Boyd : I was held up and threatened with prosecution.

Shaikh Muhammad Sadiq : Mistaken fool! how dare he do that : You are a good man, some other officer would have given him a kick. Severities of law cannot touch you. You seem to think that everything is being administered rightly, so you do not feel as we feel. We the subject people know how people are being treated by the head constable of our own *thana*. The position is very serious. We only know how serious it is.

At this stage the Council adjourned till 2 P.M. on Tuesday, 22nd October 1985.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 22nd October, 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

GARHI SHAHU.

*4567. **Mr. M. A. Ghani** : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether his attention has been drawn to a letter published in the daily "Ihsan," Lahore, dated the 3rd May 1935, under the heading "Garhi Shahu ki mazlum abadi par khudavandan-i-baldiah ka zulam";
- (b) if so, what action has been taken by him on the various complaints mentioned in the article;
- (c) if no action has been taken, the reasons for not taking any action?

The Honourable Dr. Sir Gokul Chand Narang : (a) Not to the best of my recollection.

(b) and (c) Do not arise.

Mr. M. A. Ghani : Did the Honourable Minister see this letter at least after he received notice of the question?

The Honourable Dr. Sir Gokul Chand Narang : No.

Mr. M. A. Ghani : May I know the reasons for his not sending for the paper and seeing the letter in question?

The Honourable Dr. Sir Gokul Chand Narang : I am not supposed to read everything that appears in the papers.

Mr. M. A. Ghani : When notice of the question was sent to him it was the duty of the Honourable Minister to have sent for the paper and read the letter.

The Honourable Dr. Sir Gokul Chand Narang : If there was any genuine complaint in that letter, why did not the honourable member send me a copy of it? I am not a subscriber to the paper in question.

Mr. M. A. Ghani : I sent him notice of the question.

The Honourable Dr. Sir Gokul Chand Narang : The question does not mean to say that the Minister, whoever that may be, should read every paper that appears in Lahore. If he were to do so he will hardly have time to do anything else.

APPOINTMENT OF EXECUTIVE OFFICER, MUNICIPAL COMMITTEE,
LAHORE.

***4568. Mr. M. A. Ghani :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) when and under what circumstances the present Executive Officer, Municipal Committee, Lahore was appointed ;
- (b) by whom he was appointed ;
- (c) whether the post was advertised ; if not, why not ;
- (d) on whose recommendation he was appointed ;
- (e) whether any applications for the post were invited, departmentally or otherwise, from the past or present members of the Indian Civil Service, the Punjab Civil Service, the Punjab Engineering Service, the Punjab Bar, etc. ;
- (f) if the answer to (e) be in the negative, the reasons for not inviting applications ;
- (g) on what special qualifications he was appointed ?

The Honourable Dr. Sir Gokul Chand Narang : (a) and (b) The present Executive Officer was appointed in June 1932 by Government under section 3 (4) of the Punjab Municipal (Executive Officer) Act, 1931, as the Municipal Committee, Lahore, failed to appoint an Executive Officer under sub-section (1) of the section.

(c), (d), (e), (f) and (g). When Government makes appointments of this kind it considers whether an official or non-official should be appointed and if the decision is in favour of an official it makes a selection from among officers specially qualified for the post. The procedure was followed in this case. The Executive Officer in question was appointed because of his administrative and executive ability and his excellent record in Government service.

Mr. M. A. Ghani : Was any advertisement published in the papers calling for applications of qualified persons for this post ?

The Honourable Dr. Sir Gokul Chand Narang : In view of the answer to parts (c), (d), (e), (f) and (g) just now read, it was not considered necessary to advertise the post.

Mr. M.A. Ghani : What was the municipal experience that this officer had which justified his appointment as Executive Officer ?

The Honourable Dr. Sir Gokul Chand Narang : The very fact that he was appointed for the post should suffice to show that he was considered to be the best qualified for it.

Mr. M.A. Ghani : Is it a fact that this officer is closely related to the Honourable Minister ?

The Honourable Dr. Sir Gokul Chand Narang : The Executive Officer of Lahore is a maternal uncle of the son-in-law of the Honourable Minister as the local Muslim papers are never tired of reminding the public.

Mr. M.A. Ghani : Did the fact that the Executive Officer was a near relation of the Honourable Minister, influence his appointment or not ?

The Honourable Dr. Sir Gokul Chand Narang : Not a bit. He was appointed not because he was related to the Minister, but because he was considered to be the best qualified person for the job. Even before his name was considered in the Secretariat he was specially recommended by the Deputy Commissioner, Attock, under whom he had done distinguished service. As a great deal too much has been made of the fact that he is related to the Minister it would perhaps be proper to say that as soon as this gentleman's name came up for consideration for the post, I told Sir Geoffrey deMontmorency, the then Governor, that this gentleman was related to me. He asked me what the relation was and I told him and he laughed and said that that was no relation at all. That is the history of the appointment of Rai Bahadur Lala Shankar Das as the Executive Officer of Lahore.

(At this stage Mr. President called on the next member to put the next question.)

I may also add that one of the points taken into consideration at the time of appointment of Rai Bahadur Lala Shankar Das was the fact that he had served very successfully as the City Magistrate of Lahore for seven years.

An Honourable Member : Is it in order for the Honourable Minister to supplement his answer after you had called on the next member to put his question ?

Mr. President : After the next member was called, the Honourable Minister should not have supplemented his answer.

RABI CROPS AND REMISSION OF LAND REVENUE AND ABIANA.

***4569. Khan Bahadur Malik Zaman Mehdi Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether Government is aware that damage has been caused to the present rabi crops (rabi 1935) by untimely rains, hailstorms and strong winds ;
- (b) if so, whether this damage is universal, i.e., throughout the province or is confined to some districts only ;
- (c) the extent of this damage ;
- (d) whether Government has taken any steps to give relief to the zamindars in the shape of remissions of land revenue and abiana ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Damage was done in all districts except Hissar, Simla, Hoshiarpur, Rawalpindi and Attock.

(c) The extent of damage varied from district to district. In most of the districts, it was confined to small areas only.

(d) Suspensions and remissions have been given by subordinate authorities under the ordinary rules. As for the remissions given by Government, the attention of the honourable member is invited to Press *Communiqué* No. 1153, dated the 15th June, 1935, a copy of which is laid on the table.

[Hon. Nawab Muzaffar Khan.]

Press Communiqué.

Copy of a Press Communiqué, No. 1153, dated 15th June, 1935.

In order to give some measure of special relief in respect of the land revenue for the current *rabi* harvest, the Punjab Government have examined the agricultural statistics of the districts where there has been a marked fluctuation in prices from those assumed at settlement, and have granted special remissions of land revenues to the following eight districts and the Nili Bar Colony, amounting to over eleven lacs of rupees, the approximate distribution being :—

	Rs.
Sheikhupura	94,000
Gujrat	51,000
Shahpur	1,18,000
Mianwali	4,000
Lyallpur	6,27,000
Jhang	29,000
Multan	94,000
Muzaffargarh	34,000
Nili Bar Colony	65,000

The principal crops of the *rabi* harvest are wheat, gram and toria. The difference between the wholesale prices prevailing on the 25th May, 1935, and the commutation prices assumed at the last settlement was found to differ to an extent justifying the grant of special remissions in these districts. This is in addition to the relief in land revenue granted in the Lower Bari Doab Colony (in the Multan and Montgomery districts) where a special remission of land revenue amounting to 40 per cent. of the demand on this harvest has been given under the operation of the sliding scale of assessment introduced in 1934.

Apart from the above and as a special case Government have given relief amounting to over five lacs of rupees in regard to both land revenue and *abiana* on the canal irrigated areas under wheat in the Jhang, Lyallpur and Sheikhupura districts on account of the widespread damage suffered by wheat through extraordinary calamities of the season.

ALIENATION OF LAND BY TOLA RAM SINGH.

***4570. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that one Tola Ram Singh, a money-lender, and contractor of village Campbellpur Musa and for many years a resident of Civil Bazar, Campbellpur, started acquiring agricultural land in Campbellpur and various villages round about Campbellpur, notably Jassian, Mirza, Mari Kanjoor, Abdul, Gondal, Campbellpur Sayaidan and Hazro and any other villages in the year 1905 or thereabout and he has no land in village Campbellpur Musa ;
- (b) whether it is a fact that his first purchase was in village Jassian from Kalakhan, from Ferozekhan, Shaheencha Khan, etc., in 1905 or 1907 or thereabouts ; and if so,
 - (i) the area of the land acquired,
 - (ii) whether the sanction of the Deputy Commissioner under the Alienation of Land Act was obtained for this alienation, and
 - (iii) the castes of the vendor and the vendee as entered in the mutation in favour of the vendee ;
- (c) the total area of land in each of the villages mentioned in (a) which stood in the name of Tola Ram Singh in the year 1905 ;

- (d) the total area of land in each of these villages which stood in the name of Tola Ram Singh in 1920 ;
- (e) the total area of land which stands in his name in each of these villages at present in *jamabandi* 1933-34 ;
- (f) the total area of land acquired by the said Tola Ram Singh from Ghulam Hassen, Awan, in village Jassian ;
- (g) the caste of the said Tola Ram Singh as at present entered in the revenue papers ?

The Honourable Nawab Muzaffar Khan : (a) Tola Ram Singh was a resident of Kamalpur Musa, where he holds no land, and subsequently settled in the Civil Bazar, Campbellpur. He acquired agricultural land in the following villages—

- (1) Dher,
- (2) Kamalpur Sayadan,
- (3) Mari Kanjoor,
- (4) Abdul,
- (5) Hazro, and
- (6) Jassian.

(b) No.

Parts (i), (ii) and (iii) do not arise.

(c) Tola Ram Singh held 148 kanals, 15 marlas of land in village Dher only.

				Kanals.	Marlas.
(d)	Dher	..	..	148	15
	Kamalpur Sayadan	..	..	49	14
	Mari Kanjoor	..	..	27	9
	Jassian	..	..	806	8
(e)	Dher	..	..	148	15
	Kamalpur Sayadan	..	..	58	13
	Mari Kanjoor	..	..	42	11
	Abdul	..	..	22	0
	Hazro	..	..	4	0
	Jassian	..	..	7,662	18

(f) 6,878 kanals, 9 marlas.

(g) Rajput Janjar of Agra district, non-agriculturist in Attock district.

RESTRICTIONS ON *TAZIA* AND *DULDUL* PROCESSIONS IN AMBALA.

*4571. **Chaudhri Allah Dad Khan :** Will the Honourable Member for Finance be pleased to state—

- (a) whether he is aware that the Sunni Muslims of Ambala city have not taken out their *tazias* and *duldul* out of protest against the restrictions imposed on them in respect of a portion of a street this year ;

[Ch. Allah Dad Khan.]

- (b) what the restrictions were ;
- (c) whether the restrictions were imposed ever before ; if so, when ;
- (d) if the answer to (c) is in the negative, why the restrictions were imposed this year ;
- (e) whether he is aware that intense dissatisfaction has been caused among all the Muslims of Ambala city by the event mentioned in (a) ;
- (f) whether Government intends to make an independent investigation in the matter ?

The Honourable Mr. D. J. Boyd : (a) No : *tazia* and *duldul* processions were taken out on the 18th and 19th of May.

(b) The Sunni Muhammadans were prevented from taking out these processions accompanied by music which would have been an innovation.

(c) and (d) Yes ; ever since these processions were first organized in 1932 ; in 1934, however, the Sunni Muhammadans took out these processions accompanied by *tashas* and *matams* before the local authorities were able to take action to prevent what amounted to an innovation.

(e) No : the leaders of the Sunni Muhammadans thanked the Deputy Commissioner, Ambala, for the satisfactory arrangements made by the authorities for the completion of Muharram.

(f) No.

Chaudhri Allah Dad Khan : May I know what the Honourable Member means by saying 'No' to part (a) of the question ? Does it mean that the Honourable Member is not aware of the fact mentioned in the question or that the fact stated in the question is wrong ?

The Honourable Mr. D. J. Boyd : It means that the *tazia* and *duldul* processions were not taken out on the 18th and 19th of May. They may have been taken out on another day. That is another matter.

MACLAGAN ENGINEERING COLLEGE.

*4572. **Chaudhri Allah Dad Khan :** Will the Honourable Minister for Agriculture please state—

- (a) whether he is aware that out of 15 vacancies in the 'C' class for apprentices for the workshop opened in the Maclagan Engineering College, Mughalpura, 53 per cent. vacancies have been reserved for the Hindus and only 20 per cent. for the Muslims ;
- (b) whether he is aware that the percentages in (a) are in view of 8 stipends offered by a private gentleman for the Hindus ;
- (c) if the answer to (b) is in the affirmative, why the Muslim representation in Government service which is 50 per cent. of all the appointments under the Punjab Government has been allowed to be reduced ;

- (d) whether he is aware that the Muslims of the Punjab are greatly agitated over the news of the proportions mentioned in (a);
- (e) if the answer to (d) is in the affirmative, what action the Government (Ministry of Agriculture) intends to take in the matter?

The Honourable Sardar Sir Jogendra Singh : (a) The matter is under consideration. When accommodation is available, it is proposed to open a C class with 25 entrants, and so to distribute them that no community shall receive an excessive share.

(b) It is true that a Hindu gentleman has generously offered eight stipends, which will be awarded to Hindus.

(c) The honourable member is mistaken in thinking that any proportion has been fixed for any community generally for service under the Punjab Government.

(d) No.

(e) Does not arise.

DISTRICT HEALTH OFFICER, DERA GHAZI KHAN.

***4573. Mr. M. A. Ghani :** Will the Honourable Minister for Education be pleased to state—

- (a) whether his attention has been drawn to a letter by the Secretary, Vaccination Committee, Dera Ghazi Khan, published in the daily "*Zamindar*", Lahore, dated the 5th May 1935, under the heading "District Health Officer, Dera Ghazi Khan";
- (b) if so, what action has been taken against the District Health Officer;
- (c) if no action has been taken, reasons for not taking any action?

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

(b) None.

(c) None was called for.

RATE OF SUBSCRIPTION OF THE INDIAN LAW REPORTS.

***4574. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the rate of subscription of the Indian Law Reports, Lahore series, was fixed in 1920;
- (b) if so, whether he is aware that the cost of printing, paper, etc., has much gone down since 1920;
- (c) if so, reasons for not reducing the rate of subscription accordingly?

The Honourable Mr. D. J. Boyd : (a) No. The rate was fixed in 1928.

(b) Yes.

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

(c) The cost of production of the Indian Law Reports (Lahore series) is approximately Rs. 6 per annum. Forwarding charges (freight, packing and posting) amount to Rs. 3. The existing subscription (Rs. 9 per annum) leaves no margin of profit.

Mr. M. A. Ghani : May I know if it would not be cheaper to get the reports printed in some private press ?

The Honourable Mr. D. J. Boyd : I am afraid I cannot answer that question. No enquiries have been made.

INDIAN LAW REPORTS.

*4575. **Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether he is aware that in the matter of quoting rulings of the High Court, Lahore, the Indian Law Reports, Lahore series, is not given any preference in any way or manner to the various non-official Law Reports published at various places in India ;
- (b) whether it is a fact that the rulings published in the Indian Law Reports, Lahore series, are also published in the various non-official Law Reports ;
- (c) if so, the reasons for continuing the publication of the Indian Law Reports ?

The Honourable Mr. D. J. Boyd : (a) The honourable member is invited to refer to section 8 of the Indian Law Reports Act, 1875, which declares that no law reports other than those published under the authority of the local Government shall be treated by the Courts as authoritative.

(b) Many of the rulings published in the official Reports also appear in un-official collections.

(c) Apart from other considerations, the provisions of the Indian Law Reports Act, 1875, entail an implied obligation on the local Government to arrange for the publication of an authoritative Report.

Mr. M. A. Ghani : Is the Honourable Member aware that in practice in all the courts in the Punjab reports published in unauthorised Reporters are treated as good as those published in authorised Reporters and that the reports published in unauthorised Reporters are quoted freely in courts ?

The Honourable Mr. D. J. Boyd : I understand that they are quoted freely, but whether the courts attach the same importance to them is very doubtful.

Mr. M. A. Ghani : They do. No difference is made between authorised and unauthorised reports.

The Honourable Mr. D. J. Boyd : If the honourable member knows that, why should he put the question ? (*Laughter*).

Mr. M. A. Ghani : It is to find out why a uthorised reports should be continued and not put a stop to.

RATE OF SUBSCRIPTION OF THE INDIAN LAW REPORTS.

***4576. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether he is aware that the rate of subscription of the Indian Law Reports, Lahore series, is Rs. 9 per annum and the rate of subscription of the All India Reporter, Nagpur, is Rs. 80 per annum ;
- (b) whether he is aware that the matter contained in the All India Reporter is more or less fifty times of that contained in the Lahore series of the Indian Law Reports ;
- (c) if so, reasons for charging Rs. 9 as the rate of subscription of the Lahore series ?

The Honourable Mr. D. J. Boyd : (a) The rate of subscription for the Indian Law Reports (Lahore series) is Rs. 9 per annum as stated by the honourable member ; that for the All India Reporter Rs. 86 per annum.

(b) Yes.

(c) As the honourable member has already been informed in the reply to his question *4574, the price at which the Indian Law Reports (Lahore series), are sold leaves no margin of profit. There can be no comparison between this Report and the Nagpur compilation, which is composed largely of matter reproduced from the official Reports and which naturally has a wider field of sale than any provincial series can have.

GRIEVANCES OF THE PRESS WORKERS' UNION.

***4577. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether any representation was made to the Punjab Government by the Press Workers' Union, Lahore, on the subject of their grievances ;
- (b) if so, what action was taken on the representation ;
- (c) if no action was taken, reasons for not taking any action ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The Registrar of Trade Unions considered the representation and communicated his views to the Union.

(c) The reasons were explained to the Union by the Registrar of Trade Unions.

PRINTING PRESSES IN LAHORE.

***4578. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to secure the particulars and lay on the table a statement showing the following :—

- (i) the names of the printing presses in Lahore ;
- (ii) the names of their proprietors ; and
- (iii) the number of employees in them, as on 31st March, 1935 ?

The Honourable Mr. D. J. Boyd : (i) A list of the names of printing presses for which declarations were filed by their keepers is placed on the table.

(ii) and (iii) This information is not available.

List of Printing Presses in Lahore.

Serial No.	Name of Printing Press.	Serial No.	Name of Printing Press.
1	2	1	2
1	Artistic Printing Works.	52	Co-operative Capital Printing Press.
2	Ahsan Press.	53	Doaba Printing Press.
3	Albert Electric Press.	54	Diwan Printing Press.
4	Albion Press.	55	Durga Art Press.
5	Amrit Electric Press.	56	Decent Printing Press.
6	Aneja Printing Press.	57	Diamond Press.
7	Anglo-Oriental Press.	58	Desh Press.
8	Arorbans Press.	59	Dwarka Press.
9	Army Press.	60	Dyal Printing Press.
10	Acme Press.	61	Dayanand Press.
11	Alexandaria Press.	62	Darbar Press.
12	Alamgir Electric Press.	63	Diligent Printing Press.
13	Azad Hind Press.	64	Din Muhammadi Electric Press.
14	Aziz Printing Press.	65	Daily Art Press.
15	Arjan Electric Press.	66	Daur-i-Jadid Press.
16	Akali Patrika Press.	67	Educational Printing Works.
17	Anand Bros. Press.	68	Empire Printing Press.
18	Atalique Press.	69	Eastern Times Press.
19	Arjan Fine Art Printing Press.	70	Eastern Art Press.
20	Aftab Press.	71	Expert Litho Printing Press.
21	Block Printing Press.	72	Faiz-i-Am Press.
22	Bombay Sanskrit Press.	73	Fancy Printing Press.
23	Berry Printing Works.	74	Feroze Printing Works.
24	Bhushan Press.	75	Foot Ruler Printing Press.
25	Business Printing Press.	76	Fine Art Printing Corporation.
26	Bombay Fine Art Press.	77	Fakhar-i-Punjab Press.
27	Bombay Machine Press.	78	General Label Printing Press.
28	Basant Printing Press.	79	General Printing Press.
29	Bhai Wasti Ram Printing Press.	80	Gilani Electric Press.
30	Bhaiyan Da Press.	81	Golden Printing Press.
31	Bengal Art Press.	82	Gurmukhi Press.
32	Bortsal Institution Press.	83	Ghulam Muhammadi Press.
33	Bharat Printing Works.	84	Half-Tone Press.
34	Calcutta Art Printing Works.	85	Hindi Electric Press.
35	Caxton Printing Press.	86	Himayat-i-Islam Press.
36	Chand Press.	87	Hindustan Press.
37	Civil and Military Gazette Press.	88	Hayat Printing Press.
38	Civil Printing Press.	89	Hindi Bhawan Press.
39	Coloured Printing Works.	90	Herald Printing Press.
40	Commerical Printing Works.	91	High Court and High Class Press.
41	Co-operative Steam Press.	92	Hindi Art Press.
42	City Printing Press.	93	Himalaya Art Press.
43	Coronation Steam Press.	94	Hedjazi Press.
44	Chopra Printing Press.	95	Indian Label Printing Press.
45	Caslon Press.	96	Indian Printing Works.
46	Chenab Art Press.	97	Imperial Printing Works.
47	Cinema Art Press.	98	Indian Rubber Stamp Co. Press.
48	Champion Press.	99	Ilmi Press.
49	Craftsman Press.	100	Indian Press.
50	Crown Art Press.	101	Irwin Printing Press.
51	Cine Art Press.	102	Insurance Press.

LIST OF PRINTING PRESSES IN LAHORE—CONTD.

Serial No.	Name of Printing Press.	Serial No.	Name of Printing Press.
1	2	1	2
103	Indian National Press.	160	Madan Mohan Press.
104	International Printing Press.	161	Misri Electric Press.
105	Jalal Printing Press.	162	Mashracy Printing Press.
106	Jijnasu Printing Press.	163	Mujtabai Press.
107	Jiwan Press.	164	National Art Printing Press.
108	Jaura Educational Press.	165	New Lyall Press.
109	Jagjit Electric Press.	166	New Union Press.
110	Kalghidhar Press.	167	New Imperial Printing Press.
111	K. C. Daver, & Co. Press.	168	Nagina Press.
112	Kapur Art Printing Works.	169	Narain Art Press.
113	Karimi Press.	170	New Crescent Press.
114	Khosla Brothers Press.	171	New Star Printing Press.
115	K. C. Varma & Sons Press.	172	Nav Jiwan Press.
116	Krishna Art Press.	173	New Lahore Printing Press.
117	Kesri Printing Press.	174	Nav Yug Press.
118	Kashi Ram Press.	175	Nami Press.
119	Khalsa Manmohan Press.	176	New Light Press.
120	Kuldip Press.	177	New India Printing Press.
121	Kailash Press.	178	Nurani Press.
122	Kashatriya Press, Ltd.	179	Nisbat Printing Press.
123	Kashmir Art Press.	180	Nauroz Printing Works.
124	Kripa Sagar Press.	181	Oriental Art Printing Works.
125	Lahore Art Electric Press.	182	Oriental Printing House.
126	Lahore Central Jail Press.	183	Oxford & Cambridge Press.
127	Law Publishing Press.	184	O. K. Press.
128	Lion Press.	185	Popular Printing Press.
129	Loyal Press.	186	Public Advocate Press.
130	Loyal Printing Works.	187	Punjab Art Press.
131	Lahore Law Times Press.	188	Punjab Central Press.
132	Lahore Economical Press.	189	Punjab Christian Press.
133	Lakhami Art Press.	190	Punjab Co-operative Press.
134	MacLagan Press.	191	Punjab Educational Printing Press.
135	Mahesh Yantralya.	192	Punjabi Electric Press.
136	Mal Press.	193	Punjab Religious Book Society Press.
137	Marghub Rangin Press.	194	Peco Art Press.
138	Mehra Printing Works.	195	Public Printing Press.
139	Mercantile Press.	196	Prem Tone Press.
140	Military Press.	197	Prahlad Art Press.
141	Military and Commercial Press.	198	Prabhat Press.
142	Model Electric Press.	199	Parshotam Press.
143	Modern Press.	200	Punjab Law Reporter Press.
144	Modern Type Founders Co.	201	Punjab Government Press.
145	Mufid-i-Am Press.	202	Public Printing Press.
146	Mufid-i-Alam Press.	203	Pars Ram Printing Works.
147	Master Press.	204	Rafiq-Hind Press.
148	Muir Printing Press.	205	Reading Press.
149	Malik Printing Press.	206	Rattan Printing Press.
150	Milap Steam Press.	207	Rifah-i-Am Press.
151	Muslim Press.	208	Ripon Press.
152	Madan Press.	209	Royal Printing Press.
153	Medical and Military Printing Works.	210	Rajasthan Press.
154	Muhammadi Steam Press.	211	Raja Printing Press.
155	Manohar Printing Press.	212	Riasti Dunia Printing Press.
156	Medical Printing Press.	213	Ranvir Press.
157	Mehta Half Tone Press.	214	Rashid Printing Press.
158	Mehta Art Press.	215	Ranmak Press.
159	Majestic Art Press.	216	Rajindar Press.

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

LIST OF PRINTING PRESSES IN LAHORE—CONCLD.

Serial No.	Name of Printing Press.	Serial No.	Name of Printing Press.
1	2	1	2
217	Shamsi Press.	233	Sri Darbar Press.
218	Sharma Press.	234	Tara Printing Works.
219	Silver Printing Press.	235	Tribune Printing Works.
220	Sohan Printing Press.	236	Tufail Art Press.
221	Sporting Journal Press.	237	Tirath Art Press.
222	Standard Electric Press.	238	Universal Printing Press.
223	Star (Rapid Reprints Press).	239	University Tutorial Press.
224	Shri Lakshmi Printing Press.	240	Victoria Press.
225	Sant Printing Press.	241	Vidya Parkash Electric Press.
226	Shri Mahavir Printing Press.	242	Virjanand Press.
227	Sunday Times Press.	243	Vir Milap Printing Press.
228	Sherif Printing Press.	244	Wazir Art Press.
229	Sudarshan Press.	245	West End Press.
230	Special Printing Press.	246	Young Electric Press.
231	Samrat Press.	247	Zenith Press.
232	Sabar Press.		

ECONOMIC DEVELOPMENT OF THE PUNJAB.

***4579. Mr. M. A. Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether he is aware of (i) the Five Years' Plan of the Soviet Russia and Turkey, (ii) the New Deal Scheme of the United States of America, (iii) the Ten Years' Scheme of the Madras Presidency ;
- (b) if so, whether the Punjab Government also have formulated any scheme for the betterment and amelioration of the people of this province on the lines of the schemes mentioned in (a) ;
- (c) if the answer to (b) be in the negative, the reasons for not formulating any scheme or schemes ?

The Honourable Sardar Sir Jogendra Singh : (a) Government are of course aware of the existence of development plans in the foreign countries mentioned. The Ten Year's Scheme for the Madras Presidency has not yet been worked out.

(b) The Punjab Government have from time to time formulated 5 years' plans for the development of the Agricultural and Veterinary Services, Education and Co-operation, and these have been carried out as far as financial conditions have allowed. A Road Development Scheme is at present being prepared. Industrial education is being gradually overhauled. A Joint Development Board has been set up to advise Government in such matters.

- (c) Does not arise.

BHAKRA DAM PROJECT.

***4580. Lala Jyoti Prasad :** Will the Honourable Member for Revenue kindly state—

- (a) the reasons for the Government not undertaking the Bhakra Dam Project ;
- (b) whether the nature of these reasons is technical or political ;
- (c) if the reasons are technical, what they are ;
- (d) in case the reasons are political, the exact nature of trouble and the steps the Government is taking to overcome these obstacles ?

The Honourable Nawab Muzaffar Khan : The honourable member is referred to the reply to question No. *1070¹.

WATERLOGGING OF LANDS IN CHAK No. 7, TAHSIL
NANKANA SAHIB.

***4581. Pir Akbar Ali :** Will the Honourable the Revenue Member be pleased to state—

- (a) whether it is a fact that agricultural lands in and in the vicinity of Chak No. 7, tahsil Nankana Sahib, are rapidly becoming waterlogged, and *kalar* is spreading due to the action of canal, and the lands are becoming unproductive ;
- (b) if the answer to (a) be in the affirmative, what steps have so far been taken to counteract the waterlogging of the lands of the above description and for improving their productive power ?

The Honourable Nawab Muzaffar Khan : (a) It is believed that conditions in the chak referred to are no worse now than in the past.

(b) A general improvement in conditions may be looked for when the diversion of the Upper Chenab Canal, *viz.*, the *Deg* is completed.

SUBORDINATE EDUCATIONAL SERVICE.

***4582. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that there is no time-scale for the salaries of members of the Subordinate Educational Service of the province ;
- (b) whether it is a fact that officers and members in the clerical line of the Education Department and members of subordinate service of all other departments of the province enjoy the above privilege ;
- (c) whether Government is aware that in all other provinces in India the members of Subordinate Educational Service enjoy this privilege ;

[L. Jyoti Prasad.]

- (d) if the answers to (a), (b) and (c) be in the affirmative, the reasons for not creating a time-scale for the members of the Subordinate Educational Service of our province up till now ;
- (e) what steps, if any, Government proposes to take to redress the grievance of the members of the Subordinate Educational Service of our province ;
- (f) whether it is a fact that Professor Ruchi Ram Sahni in the capacity of a member of this Council pressed upon the Government by means of a resolution in November 1924 the dire necessity of creating a time-scale for the members of the Subordinate Educational Service ;
- (g) the reasons for not giving effect to this resolution ;
- (h) whether the same conditions hold good now as did in 1924 ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

HILL ALLOWANCE TO TEACHERS IN SIMLA DISTRICT.

***4583. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that hill allowance is given to teachers of the Government High School, Simla ;
- (b) whether it is a fact that teachers in the Government High School, Kotkhai, in the Simla district do not get any hill allowance ;
- (c) if so, the reasons for this distinction ;
- (d) whether he is aware that in Kotkhai all the foodstuff and other necessities of life are imported from Simla and are sold at a dearer rate ;
- (e) the distance of Kotkhai from Simla and the means of conveyance from Kotkhai to Simla and *vice versa* ?

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

(b) Yes.

(c) Simla is expensive because of high rents for houses and the cost of bringing in milk, wood, grain, and other supplies from long distances.

(d) Yes, except potatoes, ghee, milk and fuel.

(e) The distance from Simla and Kotkhai is 33 miles. The journey can be made on foot, on horseback, or in a *palki*, mules or coolies are used for transport.

SUBORDINATE EDUCATIONAL SERVICE.

***4584. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) whether there are any teachers in the Subordinate Educational Service who have not been promoted to the higher grade even after their service of twenty years in the department ;
- (b) the starting and final grades of the clerical as well as vernacular teachers ;

(c) whether it is a fact that there are such teachers in both these sections who have remained in the same grade of pay even after their service of twenty years in the department ;

(d) on what principles the judgment of a teacher's work is based, whether it is on the percentage of passed students or on the written work of the teacher and the taught or whether it depends on the discretion of the Inspector ?

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

(b) The Clerical and Commercial teachers are now ordinarily recruited in the grade of Rs. 80—4—100 of the Subordinate Education Service Anglo-Vernacular Section and one of them is at present officiating in the Provincial Educational Service, Class II. The Vernacular and Classical teachers are ordinarily recruited in the grade of Rs. 35—3—50 and they can rise up to the grade of Rs. 140—10—190.

(c) No.

(d) A teacher's work is ordinarily judged by his methods of teaching, daily preparation of lessons, the instructional condition of his classes and the part he takes in the general life of the school. The remarks of departmental officers also carry due weight.

SENIOR VERNACULAR TEACHERS.

***4585. Lala Jyoti Prasad :** (a) Will the Honourable Minister for Education please state whether it is a fact that appointments four years ago on Rs. 80—4—100 and Rs. 100—5—135 of senior vernacular teachers on falling vacant used to be given to vernacular teachers only ?

(b) During the last four years how many such senior teachers retired and to how many the abovementioned grades were given ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, but under the old rules no vernacular teacher could be promoted to Rs. 140—10—190 grade, which is the highest grade of the Classical and Vernacular Section of the Subordinate Educational Service.

(b) Thirteen Vernacular teachers retired and four were given the grade of Rs. 110—5—135 and Rs. 80—4—100. It may, however, be added for the honourable member's information that for the purpose of appointment and promotion the Classical and Vernacular Section, like the Anglo-Vernacular section of the Subordinate Educational Service, is now treated as one and promotions are made according to certain well-defined principles which were explained in part (a) of my answer to question No. *2825¹ asked by Shrimati Lekhwati Jain in the Budget session of 1934.

LEAKAGE IN M. A. MATHEMATICS PAPERS.

***4586. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

(a) whether there was any leakage in M. A. Mathematics papers in the examination for the year 1934 ;

[L. Jyoti Prasad.]

- (b) the names of those responsible for that leakage ;
- (c) whether the University got written complaints against those responsible for the leakage ;
- (d) if the answer to (c) be in the affirmative, whether the University conducted an enquiry into the complaints referred to above ; if so whether it was an open enquiry or a confidential one and what the result of that enquiry was ;
- (e) whether the complainants, if any, were allowed to explain their position and prove their allegations ; if not, why not ;
- (f) what steps, if any, the University took against those responsible for leakage ?

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

- (b) Does not arise.
- (c) The University received some complaints about leakage.
- (d) A confidential enquiry was conducted in the matter, the University was satisfied that there had been no leakage.
- (e) Definite allegations were made in relation to one paper only. One complaint was anonymous and the other from a candidate. Everything necessary was done to obtain statements and to sift the evidence.
- (f) Does not arise.

KILABANDI OPERATIONS.

***4587. Pir Akbar Ali :** Will the Honourable Member for Revenue kindly state—

- (a) what is meant by acreage rates ;
- (b) whether these rates include only *kilabandi* expenses or *kilabandi* expenses plus the expenses on watercourses made under the instructions issued by the Canal Department ;
- (c) if the answer to the above be in the affirmative, whether the watercourses were made after their inspection by some responsible Canal officers ;
- (d) whether it was explained to the landowners of the *ilaga* wherein *kilabandi* operations were introduced that they shall have to bear the acreage rates ;
- (e) whether it is a fact that the landowners did not in the first instance agree to the introduction of *kilabandi* operations in their lands simply on pecuniary grounds and that the landowners were persuaded to agree to the *kilabandi* operations on the assurance given by the officers on the spot that they or their tenants shall not have to bear any expenses in this connection ;
- (f) whether it is a fact that Government has now proposed to make demands on account of acreage at the rate of Re. 1-10-0 and Re. 1-12-0 according to its payment by lump sum or in instalments, respectively ;

- (g) whether it is a fact that the *kilabandi* operations were introduced by Government at their own initiative and not on any suggestion made by landowners or their own tenants ;
- (h) whether it is a fact that *kilabandi* operations go a long way to simplify the land administration and to do away with most of the settlement operations and to save Government from a considerable amount of expenditure ;
- (i) if so, whether Government proposes to consider the advisability of remitting the acreage rates ;
- (j) whether it is a fact that in 1927 or 1928 *kilabandi* operations were introduced in fourteen villages of the Muktsar tahsil on the understanding that the cost of operations will be defrayed by the Mamdot Court of Wards ;
- (k) whether it is a fact that a cheque for Rs. 9,390 was sent to the Deputy Commissioner, Ferozepore, by the said Court of Wards to meet the expenses incurred by him on *kilabandi* ;
- (l) whether the Mamdot Court of Wards was interested in the introduction of *kilabandi* operations in the villages owned by it being the sole proprietor of them ?

The Honourable Nawab Muzaffar Khan : (a) Acreage rate is a charge, per acre, leviable in addition to the charge for the use of water, until such time as the cost incurred by Government in construction of water-courses, which include rectangulation surveys has been recovered.

(b) This rate does not include *kilabandi* which is ordinarily paid for by Government.

(c) Watercourses were carefully designed in accordance with contour plans, and inspection of excavated watercourses is very generally done before payment is made.

(d) No, as it was not necessary.

(e) Yes.

(f) Yes.

(g) Yes.

(h) Yes.

(i) No, the acreage rate has nothing to do with *kilabandi* operations.

(j), (k), and (l). Yes.

Pir Akbar Ali : Is the Honourable Member aware that the water-courses are all uniform in depth, that is on high ground they are one foot and on the low ground they are of the same size ?

The Honourable Nawab Muzaffar Khan : I do not know that.

MOVE OF THE COURT OF SUB-JUDGE, PHALIA, TO MANDI
BAHA-UD-DIN.

***4588. Khan Bahadur Malik Zaman Mehdi Khan :** Will the Honourable Member for Finance be pleased to state—

(a) whether Government is aware that the court of the Sub-Judge, Phalia, has been shifted to Mandi Baha-ud-Din ;

(b) in whose interest this step has been taken ;

[K. B. Malik Zaman Mehdi Khan.]

- (c) whether the people of the Phalia tahsil have made several representations to the local officers as well as to the Honourable Judges of the High Court against the move of the civil court from Phalia ;
- (d) whether a representation was made by the people of the Phalia tahsil to the Honourable the Chief Justice when he recently visited Gujrat ;
- (e) what action has been taken by the High Court on these representations ;
- (f) whether his attention has been drawn to the fact that Mandi Baha-ud-Din lies in a corner of the tahsil, while Phalia is a central place ;
- (g) whether Government will take some steps to redress this grievance of the people of the Phalia tahsil ?

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

(b) In the interest of the public generally.

(c) Representations have been made to the Honourable Judges, and doubtless to the local officers also, both in favour of moving the court back to Phalia and in favour of retaining it at Mandi Baha-ud-Din.

(d) Government have no information.

(e) Government understand that after a careful consideration of the case the Honourable Judges have decided to keep the court at Mandi Baha-ud-Din.

(f) Since the abolition of the civil court which was formerly located at Dinga, the subordinate judge who now has his headquarters at Mandi Baha-ud-Din exercises jurisdiction throughout the Kharian tahsil, as well as over the Phalia tahsil. Mandi Baha-ud-Din though it is in a corner of the Phalia tahsil, is a more central place than Phalia for the two tahsils taken together. It is moreover a growing town, and is on the railway, while Phalia is not. It would be a positive hardship to require the people of the Kharian tahsil to take their cases to Phalia, fourteen miles from a railway station.

(g) The matter is one for decision by the Honourable Judges, under section 81 of the Punjab Courts Act, 1918.

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PROPRIETARY RIGHTS IN GOVERNMENT TENANCIES IN
THE CANAL COLONIES.

***4589. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased—

(i) to lay on the table a copy of—

- (a) Punjab Government letter No. 186 (Rev.), dated the 19th December 1910 ;
- (b) letter No. 7863, dated the 25th November 1915, from the Senior Secretary to the Financial Commissioners to the Commissioner of Multan ;

- (c) Senior Secretary's letter No. 1718-D, dated the 17th—23rd April 1926 ;
- (d) Senior Secretary's letter No. 1359-D, dated the 26th February 1929 ;
- (ii) to lay copies of such letters, circulars or instructions, if any, whereby any of the above letters might have been modified ;
- (iii) to state whether Government consider that it would be against public policy to lay copies of these documents on the table and if so whether it would be convenient to issue the gist of such letters, etc., which govern important public rights in the form of correction slips to the Punjab Colony Manual or other suitable form in which they might be available for the public ?

The Honourable Nawab Muzaffar Khan : The Government consider that it will not be in public interest to lay copies of official correspondence on the table. The rules prescribing the conditions for the purchase of proprietary rights by Government tenants holding land in the Chunian and Chenab Colonies, which form the most important part of this correspondence and are of public interest, have already been published in Supplements Nos. I. and II of the Punjab Colony Manual, 1933 edition.

BOARDING HOUSE OF GOVERNMENT HIGH SCHOOL
FOR GIRLS, AMBALA.

***4590. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Boarding House of Government High School for Girls at Ambala is located in a Government building that was originally meant for the office of the Divisional Inspector of Schools, Ambala ;
- (b) whether he is aware that the said building is in a very close proximity of the Khalsa High School Boarding House ;
- (c) whether he is aware that the girls living in the above-mentioned hostel have to pass a railway level crossing gate when going to and coming from their school and in so doing they not only run the risk of being run over by railway trains but have also very often to keep standing for a considerable time at the railway crossing gate ;
- (d) whether he is aware that the girls living in the aforesaid hostel have, while going to and coming from their school, to pass by the same road that leads from the city to the district courts and that particularly in winter season when the times for opening and closing the girls' school and the courts almost coincide, the young girls and teachers have to encounter on the road a large crowd of people coming to or going from the offices and courts ;

[Ch. Muhammad Abdul Rahman Khan.]

- (e) whether it is a fact that in both summer and winter the timings for the opening and the closing of the girls and boys' schools being almost coincident the young girls and teachers living in the said hostel have to walk along the same road for more than a quarter mile side by side with the grown up boarders of the Khalsa Boys' High School while going to or coming from their schools ;
- (f) whether it is proposed to remove the girls' school hostel to some more suitable site ?

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

(c) Yes, but there are about twenty-five girls in the hostel which is ten minutes walk from the school ; two mistresses take the girls to school and back. They have to cross a railway level crossing but the Inspectress reports that no inconvenience is felt in going to the school.

(d) No.

(e) The Inspectress reports that this is not correct.

(f) No. Does the honourable member know of a better place, if so, will he very kindly inform me of it.

CANDIDATES FOR THE POST OF SUB-JUDGE.

***4591. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly place on the table the rules which govern the actual selection of individual candidates for the post of Sub-Judge after the semi-competitive examination is over ?

Mr. F. H. Puckle (Chief Secretary) : A copy of the rules which govern the selection of candidates for the post of Subordinate Judge after the qualifying examination is over is laid on the table.

Rules for the guidance of the Honourable Judges in selecting Sub-Judge Candidates.

1. Twenty per cent. of the appointments open at the time will ordinarily be given to the candidates appearing at the head of the examination list without reference to community or class.

2. A preliminary selection will then be made of candidates according to communities, in accordance with the proportions laid down in Punjab Government letter No. 352, dated 23rd February 1900.

3. The list will then be examined with reference to whether candidates are certified to be "zamindars" or not, in order to provide that as nearly as possible 50 per. cent of the candidates (except Christians) finally selected shall be zamindars. If this percentage is not provided by selection according to rule 2, the Judges will go lower down the list of zamindars. A non-zamindar candidate occupying the lowest place in the preliminary selection will be ousted by a zamindar candidate of the same religious community chosen from below, if available. If he is not available, then a zamindar of another community will replace the lowest selected non-zamindar of his own community.

4. The Judges may direct any or all of the candidates to appear before them for a personal interview.

ARRESTS UNDER THE PUNJAB RELIEF OF INDEBTEDNESS ACT.

*4592. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Finance kindly place on the table districtwise a list showing—

- (a) the number of arrests in execution of decrees which have taken place after the Punjab Relief of Indebtedness Act came into force ;
- (b) the number of houses attached or sold in execution of decrees since 19th April, 1935 ;
- (c) the number of cases in which notices to judgment-debtors have been issued calling upon them to show cause why they should not be arrested ;
- (d) the number of cases in which objections against the attachment of houses of agriculturists have respectively been allowed or disallowed ?

The Honourable Mr. D. J. Boyd : I regret that it has only been possible so far to obtain figures for the period up to the 30th June, 1935, and even for this period we have not yet been able to collect information enabling a reply to be given to parts (b) and (d) of the question. A statement is laid on the table containing such statistics as it has been found possible to get together. I hope to supply more complete information to the honourable member subsequently.

Serial No.	District.	The number of arrests in execution of decrees which have taken place after the Punjab Relief of Indebtedness Act came into force.	Number of cases in which notices have been issued to judgment-debtors calling upon them to show cause why they should not be arrested.
1	2	3	4
1	Hissar	3	92
2	Gurgaon	8	508
3	Karnal	3	124
4	Rohtak	8	86
5	Ambala	12	72
6	Simla	10	92
7	Hoshiarpur	3	202
8	Kangra	6	14
9	Jullundur	12	184
10	Ludhiana	2	221

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

Serial No.	District.	The number of arrests in execution of decrees which have taken place after the Punjab Relief of Indebtedness Act came into force.	Number of cases in which notices have been issued to judgment-debtors calling upon them to show cause why they should not be arrested.
1	2	3	4
11	Ferozepore	15	279
12	Lahore	42	334
13	Amritsar	11	354
14	Gurdaspur	20	559
15	Sialkot	6	191
16	Gujranwala	5	203
17	Gujrat	7	199
18	Shahpur	9	401
19	Jhang	8	317
20	Jhelum	1	102
21	Rawalpindi	10	188
22	Attock	5	73
23	Mianwali	4	111
24	Montgomery	7	163
25	Lyallpur	9	740
26	Sheikhupura	11	277
27	Multan and Muzaffargarh	53	913
28	Dera Ghozi Khan	15	33

NOTE.—The figures in this statement are for the period up to the 30th June, 1935.

DEHRI RATES AS COMPARED WITH BARANI RATES FOR LAND REVENUE.

*4593. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state the number and names of the villages comprised in the Dehri Chak in the Jhajjar tahsil of Rohtak and the extent to which *dehri* rates are higher than ordinary *barani* rates for land revenue ?

The Honourable Nawab Muzaffar Khan : (1) Statement showing the names of villages is enclosed.

(2) The *barani* and the *dehri* rates in the Dehri circle are the same.

List of villages of the Dehri Chak.

Chak Dehri.	Serial No.	Topographical number of the villages.	Names of villages.
Northern Dehri	1	59	Bhopania.
	2	60	Shahpur.
	3	61	Zardakpur.
	4	62	Soldah.
	5	63	Barketabad.
	6	64	Balore.
	7	65	Lowah Kalan.
	8	66	Ishar Heri.
	9	67	Shidipur.
	10	68	Luksar.
	11	69	Gangarwah.
	12	70	Gobhana.
	13	71	Majri.
Southern Dehri	14	72	Badli.
	15	73	Daryapur.
	16	74	Lagarpur.
	17	75	Dewarkhana.
	18	76	Lohat.
	19	77	Barsa.
	20	78	Mundakhera.
	21	79	Ismailpur.
	22	80	Fatehpur.
	23	81	Khaliqpur.
	24	82	Yakubpur.
	25	83	Sondhi.
	26	84	Nimana.
	27	85	Pehlapa.
	28	249	Patanda.
	29	250	Luhazi.
	30	251	Kheri Taluqa Patanda.

[Hon. Nawab Muzaffar Khan.]

Chak Dehri.	Serial No.	Topographical number of the villages.	Names of villages.
Southern Dehri—consolid..	31	252	Amadalpur.
	32	254	Bathera.
	33	255	Zahidpur.
	34	256	Pataani.
	35	257	Oont Lodah.
	36	258	Sabili.
	37	259	Silana.
	38	260	Gajaraud.
	39	261	Babra.
	40	262	Silani Pana Zelim.
	41	263	Silani Pana Kesho.
	42	264	Ukhalohana.
	43	265	Jahangirpur.
	44	266	Surah.
	45	267	Durina.
	46	268	Kiloi.
	47	269	Munimpur Kakraula.
	48	270	Bamnaula.
	49	271	Bir Dadri.
	50	272	Sheojipura.
	51	273	Aurangpur.
	52	274	Nangla.
	53	275	Dadri.
	54	276	Kutani.

COMPENSATION FOR LEAVE DUE TO DISCHARGED PANCHAYAT OFFICERS.

***4594. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether any money was provided in the current year's budget for payment as compensation for leave due to the panchayat officers who had been discharged in 1982 ;
- (b) whether this money has been paid to those panchayat officers ; if not, the reasons for the delay ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Provision was made in the budget of 1984-85 for payment of leave salary to the panchyat officers retrenched in 1982.

(b) The money has been paid.

SUBORDINATE EDUCATIONAL SERVICE.

***4595. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly lay on the table a list showing—

- (a) the number of persons appointed to the Subordinate Educational Service (Anglo-Vernacular section) otherwise than by promotion during 1981, 1982, 1983, 1984 and 1985 ;
- (b) the number of Hindus, Muslims and Sikhs among the persons referred to in (a) ;
- (c) the number of statutory agriculturists among the Hindus, Muslims and Sikhs referred to in (b) ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the answer to his question No. *4229¹ giving the requisite information for the year 1981—84.

The information for the current year is laid on the table.

Number of persons appointed in 1985.

Total No. of persons appointed.	HINDUS.		MUHAMMADANS.		SIKHS.	
	Statutory Agriculturists.	Others.	Statutory Agriculturists.	Others.	Statutory Agriculturists.	Others.
10	1	1	3	2	1	2

SCARCITY OF WATER IN HISSAR DISTRICT.

***4596. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) whether he is aware that the villages Dabwali, Alika, Masitan, Saktahera, Lakhwana, Mahangiana, Manjgarh, Lambi, Gidar Khera, Khairanawala, Ganga, Modi, Darawala and other neighbouring villages in the Hissar district experience great difficulty in obtaining water for drinking purposes during the greater part of the year ;
- (b) whether he is aware that due to failure of rainfall generally the crops fail in these villages ;
- (c) whether he is aware that on account of remodelling carried out in 1985, there is surplus water in the Hambi, Teona, Bhatinda, Behman and Kot Bhai distributaries near the villages mentioned in (a) ;

[Ch. Allah Dad Khan.]

(d) whether the officers of the Irrigation Department connected with the distributaries referred to in (c) had correspondence among themselves in order to make the surplus water available to these villages ;

(e) if the answers to (a), (b), (c) and (d) are in the affirmative, whether the Government intends to take steps to make the surplus water available to the villages mentioned in (a) ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No figures regarding barani crops are available but in 8 out of the 13 villages named the average irrigation of the past 4 years has been 474 acres on which the average remission was 9 acres only.

(c) As a result of remodelling of certain distributaries some additional supply has become available for utilization elsewhere in British territory, but the villages in question are far removed from the distributaries, which have been remodelled and in any case it would be impracticable to give them a regular supply through the Kotla Branch, a channel under the control of Patiala State.

(d) No : the correspondence bore no reference to the villages in question.

(e) No.

MUSLIM REPRESENTATION IN MUNICIPAL COMMITTEE, BERI.

*4597. **Chaudhri Allah Dad Khan :** Will the Honourable Minister for Local Self-Government please state—

(a) the population of the town of Beri in the Rohtak district communitywise ;

(b) the voting strength of the various communities in the Municipality of Beri ;

(c) how many members there are in the Municipal Committee of Beri,—(i) elected, and (ii) nominated ;

(d) whether he is aware that there is not a single Muslim member in the Municipal Committee of Beri ;

(e) if the election held last time brought in no Muslim, why no Muslim member was nominated to the Municipality of Beri ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Muslims 842, Hindus 7,003, others 32.

(b) Muslims 126, Hindus 1,882, others 1.

(c) Elected members 6.

Appointed members 2.

(d) It has been brought to the notice of Government that there is no Muslim member in the Municipal Committee of Beri.

(e) No Muslim member was appointed by the Commissioner, Ambala division, as the then Tahsildar, who is an appointed member, was a Muslim. But the Commissioner has now been asked to appoint a non-official Muslim if no Muslim is elected in the next elections, which are due in November, 1936.

WOUND PENSION TO MR. PRAKASH CHANDRA.

*4593. Rai Bahadur Lala Sewak Ram : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Mr. Prakash Chandra, M.Sc., was severely injured in the course of "discharge of special duty which had the effect of increasing his liability to injury or death beyond the ordinary risk of the civil appointment held by him" and whether it is also a fact that the Principal, Government Intermediate College, Hoshiarpur, admitted this in his report which he was asked to submit under Article 746, Civil Service Regulations, in August, 1931 ;
- (b) whether it is a fact that as a consequence of this accident he incurred a permanent loss of his left eye at the prime age of 28½ years and has permanently been disfigured ;
- (c) whether it is a fact that special disability leave for 3½ months was sanctioned to him under F. R. 83-A by the Governor-General in Council ;
- (d) whether it is a fact that Mr. Prakash Chandra applied for compensation under Article 746-B read with Article 746, Civil Service Regulations, according to which he was entitled to special wound pension at the rate of one-third of his salary or an equivalent gratuity under Article 742-C. S. R. ;
- (e) whether it is a fact that instead of applying Article 746-B, Article 747, C. S. R., has been applied and only a small sum of Rs. 780 (equivalent to six months' salary of the incumbent) has been sanctioned (after three years) ;
- (f) if the reply to (a) and (c) is in the affirmative, why Article 746-B read with Article 747, C. S. R., which refers to cases in which a 'public servant' has sustained injury in the ordinary discharge of his duties, has been applied ;
- (g) whether it is a fact that even under Article 747-C. S. R. the incumbent is entitled to extraordinary pension not exceeding Rs. 25 per mensem or its equivalent gratuity of Rs. 1,000 whichever is greater and on account of the irreparable loss he has sustained he is entitled to the maximum under the rules ;
- (h) how the Government has calculated his compensation which even under Article 747 should be many times the sum of Rs. 780 awarded ;
- (i) whether Government is aware of the fact that a temporary Engineer of the Public Works Department much older in age than Mr. Prakash Chandra sustained injury of Coccyx bone by an accidental slip during the course of a quarry and was compensated by the grant of as much as Rs. 15,000 or thereabout ;
- (j) if the answer to the above be in the affirmative, why such a low compensation is being awarded to Mr. Prakash Chandra ;
- (k) what the Education Department, in which Mr. Prakash Chandra is serving, has done to compensate him departmentally in view of the serious loss he has incurred which has affected adversely his future career and his chances to do further research ;

[R. B. L. Sewak Ram.]

(D) whether Government is aware of the fact that Mr. Prakash Chandra has not accepted this low sum of Rs. 780 (as sanctioned in April, 1934) so far ;

(m) what action the Government proposes to take to adequately compensate Mr. Prakash Chandra for the irreparable loss of an eye sustained by him ?

The Honourable Malik Sir Firoz Khan Noon : (a) Mr. Prakash Chandra was injured while carrying out an experiment of match-making in the college laboratory on the occasion of an educational exhibition.

(b) Yes.

(c) Yes.

(d) In his memorial to His Excellency the Governor Mr. Prakash Chandra demanded the application of Article 747 of Civil Service Regulations under which article his claims have been considered.

(e) Yes, article 747 has been applied.

(f) In the opinion of Government the appropriate article has been applied.

(g) Yes, on re-consideration Government have decided to double his compensation and he will now be awarded a total sum of Rs. 1,560 instead of the original sum of Rs. 780.

(h) Government considers that Rs. 1,560 is adequate compensation.

(i) Ministry of Education is not aware of this case.

(j) In view of what is said above, does not arise.

(k) Promotions in the Department cannot be made on the basis of personal injuries.

(l) No.

(m) Does not arise.

Rai Bahadur Lala Sewak Ram : Is the Honourable Minister aware that Mr. Prakash Chandra is a very highly qualified teacher ?

The Honourable Malik Sir Firoz Khan Noon : Since the honourable member says so, he must be.

Rai Bahadur Lala Sewak Ram : If so, will he consider the desirability of giving Mr. Prakash Chandra some special treatment ?

The Honourable Malik Sir Firoz Khan Noon : Does the honourable member wish me to overlook the claims of other persons ? Promotions are made strictly by selection and the Director of Public Instruction is the best judge as to which of the persons is best qualified for promotion. I am afraid that promotion cannot be given on account of physical injuries.

SUBORDINATE EDUCATIONAL SERVICE.

*4599. **Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state as to how many third class M.A.'s or M. Sc.'s have been appointed in the Subordinate Educational Service from 1928 to 1935, and how many of them have been appointed (a) in grade Rs. 200—10—250 and (b) in grade Rs. 140—10—190 ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the Subordinate Educational Service gradation lists, copies of which are in the Council Library.

SCIENCE TEACHERS IN GOVERNMENT COLLEGES.

***4600. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state how many of the permanent science teachers in the various Government colleges in the grade Rs. 140—10—190 and in grade Rs. 110—5—135 are either First class B. Sc.'s or First class M. Sc.'s of the Punjab University ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to part II of the gradation list of the Subordinate Educational Service corrected up to 1st April, 1934, a copy of which is placed in the Council Library.

PROMOTION TO MEMBERS OF THE SUBORDINATE EDUCATIONAL SERVICE.

***4601. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) how many accelerated promotions (not on seniority) have been given to members of the Subordinate Educational Service from 1927 to 1934, stating the qualifications of those who got such promotions ;
- (b) whether it is a fact that M. Obeidullah, M. A. (Persian), B. T., Mr. S. F. Dean, B.A., S.A.-V., Mr. Siraj Din, M.A., Government College, Lahore, have been promoted over the head of several capable Hindus ;
- (c) whether it is a fact that Sardar Dharam Singh, M.Sc., has been promoted to class I, Rs. 200—10—250 superseding 121 men ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member is referred to the departmental lists, copies of which are placed in the Council Library.

(b) No. In regard to M. Siraj-ud-Din the honourable member is referred to my answer to his question No. * 869,¹ asked in the June session of the Council in 1934. M. Obeidulla and Mr. Dean were appointed as Head Master, Government High School, Hissar, and District Inspector of Schools, Simla, respectively on the recommendation of the Inspector of Schools, Ambala division ; the appointments of head masters and district inspectors are made by selection and not by seniority.

(c) Sardar Dharam Singh is an M. Sc. (Physics), Class I, and was appointed as lecturer in Physics at a degree college. None of his seniors was M. Sc. (Physics), Class I.

Rai Bahadur Lala Sewak Ram : What subject is he teaching now ?

The Honourable Malik Sir Firoz Khan Noon : I am afraid I really cannot tell you this off hand.

SCIENCE TEACHERS IN GOVERNMENT COLLEGES.

***4602. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state whether he will lay on the table a list of teachers of different subjects of Science in the various Government colleges in the Subordinate Educational Service with their qualifications ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the departmental lists and the University Calendar, copies of which are placed in the Council Library.

COMMUNAL REPRESENTATION IN THE EDUCATION DEPARTMENT.

***4603. Rai Bahadur Lala Sewak Ram :** (a) Will the Honourable Minister for Education please lay on the table communitywise the number of district inspectors, assistant district inspectors, headmasters of normal schools and headmasters of Government schools ;

(b) Will he please state why there is such a great under-representation of minority community ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member is referred to the departmental lists which are placed in the Council Library.

(b) The honourable member is referred to items (1), (2) and (5) of the reply given to question No. *862,¹ asked in the June session of 1984 and to part (a) of the reply given to question No. *9532,² asked in the October session of 1984.

NORMAL SCHOOLS.

***4604. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

(a) the number of candidates communitywise admitted to various normal schools in the province ;

(b) whether it is a fact that despite several Hindu and Sikh candidates, all the students admitted to the Normal School, Campbellpur, are Muslims ;

(c) why the claims of Hindus and Sikhs have been ignored ?

The Honourable Malik Sir Firoz Khan Noon : (a) A statement is laid on the table.

(b) No. Out of the ten students admitted, two are Hindus. It may, however, be added for the honourable member's information that as the population of the Attock district is preponderantly Muslim more Urdu teachers are required in village primary schools for girls and, therefore, more Muslims have to be admitted to training classes. Moreover, as the District Board, Campbellpur, provided an open air class room and hostel accommodation for junior vernacular students, Government agreed that of the total number of students admitted to the training classes at Campbellpur each year 80 per cent. should come from areas controlled by the Attock District Board.

(c) Does not arise.

¹Volume XXV, page 171.

²Volume XXV, page 370.

Number of students communitywise admitted to various normal schools in the provinces.

Names of normal schools.	Girls.					Boys.				
	Students admitted.					Students admitted.				
	Muslims.	Hindus.	Sikhs.	Others.	Total.	Muslims.	Hindus.	Sikhs.	Others.	Total.
1. Campbellpur	8	2	..	..	10	36	6	3	..	45
2. Chakwal	8	1	1	..	10	44	5	1	..	50
3. Jhang	15	7	8	..	30	..	..	..	..	..
4. Jhelum	3	3	4	..	10	80	11	4	..	95
5. Mianwali	7	3	..	..	10	..	..	..	..	..
6. Multan	11	14	3	..	28	27	15	3	1	46
7. Rawalpindi	7	6	6	1	20	71	25	4	3	103
8. Sargodha	4	5	1	..	10	98	40	7	4	149
9. Sialkot	10	6	2	2	20	..	..	..	..	..
10. Gurdaspur	2	5	1	..	8	23	29	3	4	59
11. Moga	11	8	..	..	19	..	..	..	..	..
12. Hoshiarpur	30	29	16	6	81	..	..	..	..	..
13. Karnal	2	10	5	..	17	..	..	..	..	..
14. Rohtak	6	15	12	4	37	..	..	..	..	..
15. Patna	1	13	..	1	15	..	..	..	..	..

Names of normal schools.

1. Lalanusa { Senior-Vernacular
Junior-Vernacular

Total

2. Gakbar { Senior-Vernacular
Junior-Vernacular

Total

3. Jallandur

APPOINTMENT OF MR. S. M. SHARIF AS INSPECTOR OF SCHOOLS.

***4605. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Mr. S. M. Sharif without any training degree has been appointed Inspector of Schools, over the head of several old experienced Hindus and Sikhs ;
- (b) whether it is a fact that Rai Sahib Rattan Lal, Principal, Rohtak College, Chaudhri Bhana Ram, Deputy Inspector of Schools, and Lala Indar Bhan, Deputy Inspector of Schools, had far greater experience and had been serving in the inspectorial line for a long number of years ?

The Honourable Malik Sir Firoz Khan Noon : (a) The appointment of a divisional inspector is a question of selection. Mr. S. M. Sharif was carefully tested as a deputy inspector and proved that he was the best possible selection for the post which he now holds.

(b) Yes.

As stated above, the appointment of a divisional inspector is based on selection. Length of service is not the only criterion of promotion.

SUPERSESIONS IN THE EDUCATION DEPARTMENT.

***4606. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Mr. U. Kramat has been promoted to the P. E. S., Class I, within three years of his appointment and put as Deputy Inspector of Schools ignoring hundreds of Hindus and Sikhs ;
- (b) whether it is a fact that Mr. Chirag Din, Lecturer, Government College, Lyallpur, has been put as Principal, Government Intermediate College, Jhang, over the head of several Hindus and Sikhs ?

The Honourable Malik Sir Firoz Khan Noon : (a) There are only 105 posts in Provincial Education Service, Class II. Mr. U. Kramat therefore cannot be said to have superseded hundreds of Hindus and Sikhs. He had, however, a number of Muslims, Hindus and Sikhs and others above him, whose claims were duly considered. It may be added for the honourable member's information that Mr. U. Kramat is one of the best qualified men in the Department. It may further be added that appointments of deputy inspectors are made by selection and not by seniority.

(b) Yes. It may, however, interest the honourable member to know that M. Chiragh Din has already officiated successfully as Principal of an intermediate college. It may further be added that appointments of principals of intermediate colleges are also made by selection and not by seniority.

UNSTARRED QUESTIONS AND ANSWERS.

DHARI RATES OF LAND REVENUE, JHAJJAR TAHSIL.

1175. Rao Bahadur Chaudhri Chhotu Ram : Will the Honourable Revenue Member kindly state the villages in the tahsil of Jhajjar, district Rohtak, where *dhari* rates of land-revenue have been imposed, stating the years during the period between 1918 and 1934 in which these villages received the benefit of *dahar* supply of water?

The Honourable Nawab Muzaffar Khan : A list of the villages has already been supplied to the honourable member in answer to his question No. 571¹ in February, 1933. The name of village Kolana should be excluded from that list because it was erroneously entered in it. These villages received the benefit of *dahar* supply of water in 1918, 1924-25 and 1933-34.

APPOINTMENT OF ZILLADARS.

1176. Rao Bahadur Chaudhri Chhotu Ram : Will the Honourable Revenue Member kindly state whether it is a fact that instructions have been issued to Superintending Engineers that they should send up the names of an equal number of Muslims and non-Muslims for the post of zilladar from their respective circles regardless of the proportion in which Muslims and non-Muslims are represented in the population of their circles?

The Honourable Nawab Muzaffar Khan : No such orders have issued, but the practice is that Superintending Engineers send up the names of representatives of both Muslims and non-Muslims.

APPOINTMENT OF ZILLADARS.

1177. Rao Bahadur Chaudhri Chhotu Ram : Will the Honourable Member for Revenue kindly lay on the table of the House the instructions, if any, which have been issued to Superintending Engineers as to the communal proportions which they should observe in sending up the names of zilladar candidates from their respective circles?

The Honourable Nawab Muzaffar Khan : No such orders have issued, but the practice is that they send up representatives of both Muslims and non-Muslims.

LAND REVENUE IN GURGAON DISTRICT.

1178. Lala Jyoti Prasad : Will the Honourable Revenue Member be pleased to state whether the land revenue in Gurgaon district is an annual charge or a tax per harvest?

The Honourable Nawab Muzaffar Khan : The land revenue in the Gurgaon district is mostly fixed and paid in two half yearly instalments—*rabi* and *kharif*.

COMPLAINTS BY CHAUDHRI UMRAO SINGH AGAINST THE DISCREPANCY
IN THE GRADED LIST OF THE EDUCATION DEPARTMENT.

1179. Lala Jyoti Prasad : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that a teacher Chaudhri Umrao Singh of the Government High School, Hansi, in the Hissar district, submitted an application to the Director of Public Instruction through proper channel on 27th February, 1935, complaining against the discrepancies in the graded list ;
- (b) if so, whether he will lay a copy of it on the table ;
- (c) whether it is a fact that sixteen teachers from No. 11 to No. 26 in the vernacular section (Rs. 55—3—70) who are junior to the said teacher as regards length of service as well as grade promotion are shown senior to him in the new graded list ;
- (d) if so, the reasons for the same ;
- (e) what action Government has taken on the application mentioned above ; if not, why not ?

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

(b) to (e) Government do not consider that it is in the public interest to supply the information of the kind required by the honourable member. If the subject of the question feels aggrieved he can have his grievances redressed by an appeal to the competent authority.

It is, however, added for the honourable member's information that the petition of Chaudhri Umrao Singh was duly considered and the position explained to him through the Divisional Inspector.

PAY OF COPYISTS IN THE COPYING DEPARTMENT.

1180. Lala Jyoti Prasad : Will the Honourable Revenue Member be pleased to state—

- (a) whether the Copying Department is a self-supporting agency ;
- (b) if so, what is the income and expenditure of the department for the last five years annually ;
- (c) the total number of copyists employed in the department at present ;
- (d) what circumstances compelled the Financial Commissioner in fixing their pay as rupees twenty-five per month once for all without taking into consideration their length of service and without any hope for a rise in the future ;
- (e) whether it is under the consideration of the Government to bring about reduction in the number of copyists or whether reduction has already been brought about ;
- (f) the number of copyists to be reduced or brought under reduction ;
- (g) whether the present system of advance is beneficial to the department, and what is its effect on the income and expenditure of the department ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The figures of gross receipts and expenditure of the Copying Agency Department for the last five years are given in the attached statement.

(c) to (g) The attention of the honourable member is invited to the reply given to parts (d) and (f) to (j) of question No. 1105¹ during the Budget session of the Council.

Figures of gross receipts and expenditure of the Copying Agency Department for the last five years.

Year.	Receipts.	Expenditure.	Net income or loss (+ or -).
	Rs.	Rs.	Rs.
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
1934-35	5,82,283	5,71,998	+10,285

M. A. MATHEMATICS EXAMINATION OF THE PUNJAB UNIVERSITY.

1181. Lala Jyoti Prasad : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that certain modified rules were published as a result of the Syndicate meeting of 14th December, 1934, of the Punjab University ;
- (b) whether they apply to all subjects or to Mathematics alone ;
- (c) whether the modified rules regarding the setting of the papers by the external examiners alone were applied to all M. A. examinations ;
- (d) if the answer to (c) be in the negative, the reasons for the same ;
- (e) what the Senate did regarding these rules in its meeting of the 30th March, 1935 ;
- (f) whether the Senate passed them over ;
- (g) if the answer to (f) be in the negative, what objection the Senate raised ;
- (h) whether under the existing rules and regulations it was necessary to send these rules to the Senate ;
- (i) if the answer to (h) be in the negative, why they were sent at all ?

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

(b) To all subjects.

(c) No ; only to Mathematics.

(d) Because the papers in the other subjects had already been set before the Syndicate decision.

(e), (f) and (g). The Senate proceedings, dated the 30th March, 1935, are published in Part III-A of the *Punjab Government Gazette*, dated the 3rd May, 1935.

(h) and (i) There was difference of opinion whether under the Regulations it was necessary to submit the new rules to the Senate for approval or not. But to avoid any possible objection, it was decided to place the rules before the Senate.

M. A. MATHEMATICS EXAMINATION OF THE PUNJAB UNIVERSITY.

1182. Lala Jyoti Prasad : Will the Honourable Minister for Education please state—

(a) on what dates the M.A. Mathematics papers for 1935 as set by the external examiners were received by the Punjab University ;

(b) whether it is a fact that M. A. Mathematics papers were received very late ;

(c) if the answer to (b) be in the affirmative, the reasons for the delay ?

The Honourable Malik Sir Firoz Khan Noon : (a) On various dates, from 4th December, 1934, to 20th February, 1935.

(b) Yes, they were received later than usual.

(c) Because the letters to the examiners were issued late under instructions from the Vice-Chancellor.

M. A. MATHEMATICS EXAMINATION OF THE PUNJAB UNIVERSITY.

1183. Lala Jyoti Prasad : Will the Honourable Minister for Education please state—

(a) when the Punjab University issued letters to the external examiners in M. A. examinations to set the papers for examinations in 1935 ;

(b) whether it is a fact that the issuing of the letters of appointment to the M. A. Mathematics examinations was delayed ;

(c) if the answer to (b) be in the affirmative, why, under what rules, and by whose authority they were delayed ?

The Honourable Malik Sir Firoz Khan Noon : (a) On the 10th November, 1934.

(b) Yes.

(c) There is no rule prescribing the date by which letters to Examiners are to be issued. The letters are issued at the discretion of the Controller who is responsible for the printing of the papers. In this instance he was

instructed by the Vice-Chancellor to postpone the issue of letters until further orders. This action was taken for certain confidential reasons to which reference was made by the Vice-Chancellor in his statement made at the Senate meeting held on the 30th March, 1935, the proceedings of which are published in Part III-A of the *Punjab Government Gazette*, dated the 3rd May, 1935.

M. A. MATHEMATICS EXAMINATION OF THE PUNJAB UNIVERSITY.

1184. Lala Jyoti Prasad : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that in the Punjab University before the M. A. results are published, they must be signed by the convener of the Board of Examiners ;
- (b) whether the M. A. Mathematics examination result of 1934 was so signed ; if not, why not ;
- (c) if the answer to (b) be in the affirmative, whether it was signed conditionally or unconditionally ;
- (d) whether any letter was written by the convener of the Board of Examiners in this connection to the Controller of Examinations ; if so, whether a copy of it will be laid on the table ;
- (e) if the answer to (d) be in the negative, why and by whose authority the result was published ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. It may, however, be stated that under the rules in force for the M. A. examination held in 1934, the Result Sheet was to be signed by the members of the Board of Examiners or their consent duly secured. There is no rule requiring the signature of the Convener as such.

(b) The Convener's consent is on the file.

(c) Conditionally.

(d) Yes. But the Convener's letter being confidential it is not in the public interest to disclose its contents. It may however be added that the Convener required certain facts to be brought to the Vice-Chancellor's notice which was done.

(e) The result was published under the orders of the Vice-Chancellor.

THE PUNJAB CRIMINAL LAW (AMENDMENT) BILL.

Mr. President : The Council will now resume discussion on Mr. Boyd's motion that the Punjab Criminal Law (Amendment) Bill be taken into consideration at once.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) : I think the Government is ill-advised not to have asked this House to send this Bill to a select committee. That the Government should expect this House to pass this Bill section by section, word for word and comma by comma is absolutely too ridiculous to be believed. If we go through section 2 it will be found that it does not specify the person who has to arrest a man, whether he is to be a judicial officer or an executive officer or even

[Sh. Muhammad Sadiq,]

a police officer ; it simply says that the officer should be a gazetted officer. Any officer drawing over Rs. 200 can act by simply being gazetted in the official gazette. It is impossible to believe that any Government can ask for these powers. I strongly object that a respectable man, he may be anti-Government, should be arrested and handed over to the police simply because it is feared that breach of peace is likely to take place. If there is only a danger of breach of peace, how can we allow the Government to arm itself with such powers? We cannot allow respectable persons or any person, for the matter of that, to be handed over to the police to be kept in the thana where there is not even a charpai and not even a clean decent latrine nor any utensils.

The Honourable Mr. D. J. Boyd : Is it not possible to move amendments to that effect later on when the Bill is taken into consideration?

Shaikh Muhammad Sadiq : I am telling you what you have brought before us. I am telling the House your intentions and what you are doing before us. You can throw out amendments. I am now utilizing my right to point out what the nature of Government demand is. They have not even taken the trouble of sending the Bill to select committee. The waving of the pencil by the Honourable Finance Member shows that he feels that he is wrong in making this motion (*laughter*). He feels that he is pinched and he knows that he has made a mistake and that no one will grant such a request.

The Honourable Mr. D. J. Boyd : You already passed it twice.

Shaikh Muhammad Sadiq : He knows that three years ago there were extraordinary circumstances, civil disobedience and Mahatama Gandhi were before the eyes of the Government and Gandhi was confronting the eyes of my friends.

Mr. President : The honourable member will please not wander away from the motion before the House.

Shaikh Muhammad Sadiq : If one is to be interrupted, one has to wander away from his subject. Let them hear me and let the Honourable Member reply word for word and I will not interrupt him. I strongly object that any Government officer should be empowered to use such powers and to hand over men to custody for 15 days. Those who have seen a thana even from outside know that there is not even a decent blanket in the room, which is never swept and there is not even a *lota* to drink water from and the poor inmate is at the mercy of any and every passing constable to provide him with water. These are the arrangements in the thana. Let any member stand up and say that I am wrong even by one hundredth of one per cent. in the allegations I am making. The system is wrong. People put in these thanas are not treated as human beings. These policemen are used to jail birds like dacoits and they do not know how to treat people guilty of political offence or of communal offence. Communalists and politicians are not members of criminal tribes. Again this custody may last not only for 15 days but may go on for 2 months. Have you ever heard of such a thing? You can arrest a man, you can send him away to a distant place, but what is the meaning in arresting a man and

putting him in lock up for two months? I refuse to believe that Government is serious in asking us that the police officers should be given the right to detain a man for two months in custody under this section. The Honourable Finance Member has read the Bible and he knows that the Pharaoh of Egypt ordered that every person born in a particular year shall be killed. Is it not history? Do you not know how Moses escaped? I am sure you have not forgotten your history as well as your Bible.

The Honourable Mr. D. J. Boyd : I think it was the first born in every family (*laughter*).

Shaikh Muhammad Sadiq : Then the honourable member does not object to killing, he only objects to others than the first born being killed.

The Honourable Mr. D. J. Boyd : You would have escaped all right (*laughter*).

Shaikh Muhammad Sadiq : I know, but in the heart of his heart he is sorry for it (*laughter*). I would have escaped as Moses escaped. Perhaps Sir Macworth Young or some other potentate of the old days may have killed me but luckily I escaped. I do not mean to impute any motive, but if the power is there it is likely to be misused. A few days ago a C. I. D. man reported that a very, very respectable member of this House was instigating people to strike and was preaching sedition. The superintendent of police of the ilaqa at once rushed to the place without a moment's thought and started investigations. He did not pause to inquire whether it was true or not. On enquiry he found that the information was absolutely unfounded. Luckily that member was too big a person to be caught, but had it been my friend Mr. Ghani he would have at once been caught and challaned, as he was once arrested and challaned on the allegation that during the tonga strike he instigated certain persons to attack a policeman.

The Honourable Mr. D. J. Boyd : Was that under this Act?

Shaikh Muhammad Sadiq : If the ordinary law can be misused against a member of this honourable House, then this lawless law can certainly be very easily used against any ordinary being in the country. Mr. Ghani was lucky enough to have courts to hear his case and he had the right of appeal, but under this law there are no courts, no appeal and no *dabli*.

Now I come to section 7. The normal thing is to go to thana and report. But reporting in thanas is not an easy job. It is different for the Honourable Revenue Member who goes in his car and calls the thanedar out; but for an ordinary man it is different. The thanedar is out so often on investigation and the poor man has to wait for two or three days before he can get an audience with the thanedar and all this time he is exposed to the jeering of the policemen. I am not trying to give an exaggerated picture of the events. I have passed through all these phases in Amritsar during the last ten years. We have seen communal riots, we have seen martial law riots and these benches also are in the know of those troubles. The Honourable Minister for Local Self-Government rode a horse one day in a procession during the 1921 days and the next day he was locked up in a very small neat nice cabin and he remained there for six months.

The Honourable Dr. Sir Gokul Chand Narang : I did not ride a horse.

Shaikh Muhammad Sadiq : At least that is what the gossip says, but if that was the fate that met him without riding a horse, if he had ridden one he would certainly have been hanged. Another *ex-Minister* suffered exactly the same in similar conditions. He was also arrested. Can you imagine Mr. Manohar Lal doing anything against the law? (*Laughter*). He will be a very bold man who will say Mr. Manohar Lal would consciously or unconsciously step on the wrong side of the law. Then there was a person who was till recently a judge of the High Court. He was also arrested and Mr. Labh Singh another honourable member of this House was also arrested. When there is a political disturbance, the mental balance is upset and naturally people forget their friends while the conflict is on. We find brother fighting against brother at elections, metaphorically trying to shed the blood of each other, and it happens not only here but in advanced countries as well. Under those conditions what will be the effect of this legislation? The words used are, "shall not enter, reside, or remain in any specified area, shall reside or remain in any area specified in the order, shall remove himself from, and shall not return to any area specified in the order." That means that a man can be externed from the province, the old days of "Tavion par" order of Maharaja Gulab Singh being revived and once you pass an order, "Go out of the Punjab," the man has to go out of the province altogether, just as so many refugees from Spain, Portugal, Roumania, Bulgaria and other countries. Are we going to create under British rule exactly similar conditions? It is not only Bolsheviks but everyone of them who had the powers has misused them. It is not only Indians who will misuse them. Start from Portugal at one end and go right up to Turkey; with the exception of France you will find everywhere where so-called democracy has invested the executive with the power, the power has been utilised to the disadvantage of the opposite party. Are we going to allow the future politicians here to start the game simply in the hope that they will be more patriotic than partisan? Think of the position in the Punjab. A few members are pressing the Ministry and urging that unless the Ministry got an order passed and the District Magistrate was given the power to remove all opponents, those members had no hope of being returned. The Minister, thinking that the Government is going to fall to pieces if he was not elected next time and did not occupy the Minister's place, apprehending that he would in case of defeat have to fly for his life, decides to use the power under the Act. I concede that ninety-nine per cent. that will not be the case. But still the power can be used in case of necessity if it is there.

I now come to a section where the power is given to enter a house if a public meeting is held there. Suppose a party meeting is going on and a police officer comes and says: I want to know what is going on. Is it right that we should allow any police constable—it need not even be a constable; it may be any person, the words are so wide—to any party meeting?

Mr. President : At this stage only the principle of the Bill should be discussed and not its details, while the honourable member has been discussing clause after clause.

Shaikh Muhammad Sadiq : Very well, Sir. I will not name the clauses. I think this principle of enabling the Government to send any one to the opposite camp at the time of a meeting is reprehensible. I can understand it being a police officer but as the words of the clause stand, the police officer need not go himself but any one from the opposite faction can be sent. Honourable members of the Government, I mean the European members of the Indian Civil Service, have no public meetings of that kind and cannot therefore imagine what will happen. Think of an Ahrar holding a meeting and an Ahmadiya is sent there or when the Ahmadiyas are holding a meeting at Qadian a member of Ahrar party is sent to the place of meeting. I therefore appeal to the Government to carry on as best as they can under the all-India Act which has been certified now, which I understand, gives ample power and practically covers all the clauses which are before us. Government can, after listening to our speeches and the views of the public, at the next session of the Council bring before us an acceptable Bill and this House will not refuse to pass it. As the Bill stands however we cannot but say that if it is passed and put permanently on the statute book it may absolutely create havoc, it will cause untold misery if ever misused. It will be a cause of ferment in the future and it will make India a Latin America, it will make India a Mexico or Greece. We want to march steadily forward and not by flourishing pistols, bombs and swords, but depending upon our own strength not of the fist but of brain and commonsense, instead of being armed to the teeth like the heroes in a cinema by these dangerous powers. To foresee progress with pistols and swords is really dangerous for a young democracy like ours.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban) : After a long, interesting and very humorous speech from my honourable friend the member who preceded me, I would be very brief in my observations. Those of us who are opposing the Bill are doing so I believe mainly for the wide powers given to the executive in chapter 2 of the Bill. The idea of arming the executive with any extraordinary powers is certainly repugnant to all those who love personal liberty. In all countries people and their representatives in the legislature have always resented arming the executive with any additional authority. Of late, however, circumstances and conditions in some of the countries have changed the mentality of the people and we find dictators in Italy, Germany, Turkey and some other countries. Even in the United States of America, the President possesses very extensive powers. We in this country are naturally very shy in arming the executive with any extraordinary authority. We are suspicious that those powers may be abused by the Government. It is perfectly true that in some cases Government in the past have abused their power. We are consequently very much afraid that the Government may use such powers again for stifling the national spirit. But if people are convinced that these powers are needed and if given, will be used only for public good and for the maintenance of peace and I am sure much of the opposition will disappear. Of course, however small the power you may give the executive, there remains always the risk of its being abused. Every law enacted is an inroad on individual liberty. But the good of the community as a whole has actuated even free nations to place voluntary restraints on individual actions. The proposed measure is limited in its scope and if used in the

[S. S. Sardar Ujjal Singh.]

restricted sense in which it is sought to be enacted I am sure it will no more be an encroachment on personal liberty or be a negation of personal liberty than all the laws which place restraints on our individual actions. Clause 2 of the Bill, I suppose, is to be used to stop the menace of terrorism and communism. I understand that that was the assurance given by Sir Henry Craik in 1932. I might quote his words where he says :

I stress the point because clause 2 of the Bill which gives the power to arrest suspected persons is designed to be used mainly, if not entirely, against terrorists.

I believe the Honourable the Finance Member, Mr. Boyd, has also given that assurance. If he has not done so, he would be well advised to do so at this stage.

The Honourable Mr. D. J. Boyd : No. I think I must correct that at once so that there may be no misunderstanding. I actually said that I did not want to bind the future Government at all.

Sardar Sahib Sardar Ujjal Singh : In my view clause 2 should be applicable to terrorists and communists and not to ordinary law-abiding citizens. If the application of the most objectionable part of the Bill is to be restricted to revolutionaries we should not grudge any powers to the executive if it needs those powers to face such a menace. I am sure nobody in this House has any sympathy with a terrorist. The terrorist deserves no consideration or sympathy from any true lover of the country. It has been argued, if these extraordinary powers are needed, why are they not needed for arresting ordinary murderers or dacoits? The answer to that is simple. The ordinary murderer or dacoit can be caught under the ordinary law. Even a terrorist offender can be caught under the ordinary law. But the case of a terrorist is somewhat different. For the man who actually commits the crime is very often the tool of an organised body. The actual brain of the whole movement usually keeps in the background. It is therefore impossible to catch hold of the man who is guiding the movement without some powers beyond the ordinary law.

The other parts of the Bill are meant to be applied against civil resisters who might break the peace of the land by unlawful actions or take the law into their own hands or instigate the peasantry to non-payment of taxes. Civil disobedience no doubt in the form in which the Congress started stands suspended, but the spirit of civil disobedience movement has come to stay. Any community or any section of the population which might feel aggrieved resorts to that weapon. Only lately Lahore was the scene of such an action. I do not wish to dwell on this unfortunate episode. The authorities had a very difficult and delicate task to perform. If the authorities had not acted promptly in the maintenance of peace and the preservation of law and order, I am afraid the trouble would have spread far and wide to every corner of the province. The threat of civil disobedience movement in this connection still exists. Lest I should be misunderstood I want to make it clear that I do not advocate the application of this measure on any particular occasion. Whosoever or whatever community threatens to break the peace of the province must suffer the penalty of law. Communalism has disgraced the fair name of this province. It may have its roots in separate electorates, old traditions, or divergent

religious practices but the fact remains that by our ignoble demeanour in matters communal we have given a handle to others to interfere in our affairs, and so long as this curse remains we will be providing some justification for a measure of this nature. It has been said that under the new constitution the executive may use this Bill or this Act against its opponents. I personally think that no extraordinary powers are needed under the new constitution. The new constitution provides sufficient safeguards in the hands of the Governor under the Governors' special powers. But even so it must be remembered that the new executive, the future executive, will be responsible to the legislature—to a legislature which will be wholly elected. Even if this Bill is enacted and placed in the hands of the future executive, unless that executive retains the confidence of the legislature it can no longer keep this Act on the statute book against the wishes of popular representatives. The legislature in future will be entirely at liberty to retain or to repeal the Act.

Reference was made to the Bombay Bill of a similar kind. I have not read the Bill but I have read a criticism of the Bill in the "Servants of India," and in that criticism it has been stated—I do not know whether rightly or wrongly—that the Punjab Bill is a milder measure than the Bombay Bill. I will just read those words. It is stated that—

"Despite a diligent search we have not been able to discover such a law or such procedure elsewhere. Even in the corresponding law of the Punjab there are no sections corresponding to sections 5 to 9. The maximum punishment is one year imprisonment and a fine not exceeding Rs. 2,000."

I would like to submit, however, that Government should be prepared to consider sympathetically any amendments that honourable members of this House might suggest and which Government might consider reasonable. During the course of its consideration in Bombay the Government accepted, I believe, two or three amendments. One was with regard to deferring of payment of land revenue with a view to the removal of grievances by lawful action. I suggest that any reasonable amendments moved by the members of this House should be acceptable to Government and Government should not oppose those amendments simply because they are coming from the members opposite.

I would also suggest that Government should consider the advisability of limiting the period of operation of this Act to the life of this Council or to a period of, say, two or three years. Such a Bill should not be placed in the statute book permanently. The hands of the future executive and the future legislature should not be tied down in a matter of this kind.

With these few words I support the motion for consideration.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : It is rather strange that members one after another from this side of the House should have got up to oppose a measure of this nature but it is the doings of the Government that has brought about this situation.

Yesterday I was listening very carefully and attentively to the speech made by the Honourable the Finance Member and I was on the look out to find out if a case had been made out for the passage of such an extraordinary measure, which will be in force not only for two or three years but for ever. We are asked to put this measure on the statute book for the guidance

[Sh. Abdul Ghani.]

of a Government that has to come. Some extraordinary situation, some unusual ferment in the country, some upheaval of unprecedented magnitude could only have justified the passing of this Bill and that should have been borne out clearly by facts and figures in order to ask us to pass a legislation of this nature. I fail to see any plausible or convincing argument throughout the speech made by the Honourable the Finance Member. We gave our support to the previous Bill in 1932 and after a lapse of three or four years I am convinced that that was absolutely an ineffectual measure. It is a measure of no political use at all. It simply provokes people. It creates an atmosphere of discontent and unpopularity in the country against the Government and it can be used to no useful purpose. I have got facts and figures to bring that home to you. You have just had the Shahidganj affair. There were some talks, there were some meetings where people collected to devise means to approach the Sikhs to respect Muslim feelings and not to demolish the building. There were certain responsible gentlemen at the helm of affairs on the side of the Muslims. But the authorities on certain reports, false or true, took action under the Act. Maulana Zafar Ali and certain other gentlemen including the Editor of the *Siyasat*, Sayad Habib—a thoroughly law-abiding gentleman—and certain other persons were deported. What was the result? Some gentlemen, very highly placed who can never at any moment countenance any movement for disorder seeing that they stood discredited, their comrades being deported as outlaws and as people who would bring about trouble in the country, naturally stood aside. I think the gentleman sitting close to me and several others out of fear that they would get a bad name kept aloof. What was the result? The masses were left without any leader. There was none to advise, none to guide and the end was deplorable. Did this Act help the situation? It made it worse. We who live in a distant district in the Punjab were not prone to attach much importance to Shahidganj at the outset and did not interest ourselves much. But the deportations attracted the attention of everybody and a fuss was created. Government acted hastily on advice tendered and mishandled the situation. Did the Act put a stop to the agitation or the further ugly developments that cropped up? This Act, I would submit, cost the lives of innocent persons. Thirty-five innocent persons were shot down.

The Honourable Mr. D. J. Boyd : Where does the honourable member get his figures? Fifteen is the correct figure.

Shaikh Abdul Ghani : I was ill in those days. I withdraw the statement.

The Honourable Mr. D. J. Boyd : The honourable member will please not misrepresent. He will please be accurate in a very serious matter like this.

Shaikh Abdul Ghani : And more than 1,000 persons received injuries. Where was the Act at the moment? It was the pistols and bayonets that came to your help, it was the infantry bullet that ultimately succeeded. What did this provision do? How can you in an emergency of this nature rely upon this provision and consider it as an efficient remedy? My first objection against the Bill is that it is simply oppressive, provocative and of

absolutely no political use and in a case of emergency it would not help you in any way.

There is another instance. We know of the Muslim meeting in Rawalpindi. The dictator, or call him by whatever name you will—Pir Jamaat Ali Shah—presided over that meeting. The proceedings were reported in the papers. I myself had occasion to see them but if I am wrong I hope the Honourable Finance Member would correct me. After that meeting was over we learnt that Maulvi Muhammad Ishaq and certain other gentlemen were deported or interned. I think there was a *communiqué* issued by Government and that *communiqué* stated that civil disobedience had been decided upon in that meeting and, therefore, these men had been expelled. A few days after the meeting the dictator of the meeting gave out that the question of civil disobedience was touched upon in the meeting but that it was deferred. This may or may not be true. Had the matter been put before a court of justice it would not have taken long to come to the conclusion that the question of civil disobedience was not decided upon by the meeting and all those persons would not have been molested in that way.

The Honourable Mr. D. J. Boyd : The Secretary of the Conference himself gave out that it had been decided to embark upon civil disobedience.

Shaikh Abdul Ghani : What is the guarantee that the Secretary had circulated the wrong report? These are the matters which ought to have been gone into and finally determined, that is why I oppose this measure. It gives opportunities for the Ministers to go wrong, to commit mistakes and punish innocent persons—persons who before an ordinary court would be absolutely innocent.

This is the second mistake which is due to the application of this Act. Would anybody say that this measure should be passed when we see that the Government has twice failed to handle it properly? How can we trust the Government with extraordinary powers? The Member in charge of the Bill gave an assurance yesterday that no distinction between community and community will be made in the application of this Act. I can see that the Government means it. Yet what do we see daily? Quite unconsciously it might be on the side of the Government yet we find this oracle of the Mall, the *Civil and Military Gazette*, coming out occasionally with insults sometimes to one community and sometimes to another. Has the paper ever been asked to deposit any security? Has the security of that paper, if any, ever been forfeited for saying things which are very harmful? Has that paper come to grief for writing that highly offensive article in its columns? Only the other day I was reading a leading article in that paper, which began by saying that Muhammdans had got the present advantageous position in the province because they had always been following the Government and pleasing it and helping it in every way and if they now kicked up a row—referring to the Shahidganj affair—they will know to their cost that the Government which was powerful enough to grant them all those rights and privileges, would soon be in a position to take them all away. What does it imply? It implies two things. The Prime Minister favoured us or rather the British Government favoured us, Muslims, because we were flatterers and sycophants and for our following the Government salvishly all these years we got this reward, even though the award was quite unjust and derogatory

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to the rights of the other communities. Secondly, it implied that the Government favoured the flatterers without considering the merits of the case. I ask in all humility, are not these allegations made by a responsible journal in the province sufficient to excite hatred against Government and to create bad blood between community and community? What has the Honourable Finance Member done to see that such insolence is not hurled on the self-respecting nations in this country. I ask, why is a discrimination made in favour of this paper while other newspapers like the *Ehsan* and *Zamindar* are punished for writing articles of a less insulting or injurious nature?

Mr. J. D. Anderson : Is not the honourable member confusing the Bill before the House with Act XXIII of 1931 which deals with the Press?

Shaikh Abdul Ghani : The confusion is in the mind of my honourable friend on the other side. There is no confusion on my part. I am criticising the capabilities of the Government that is bringing forward this measure, because we know that in 1932 we gave the Government a better measure, a wider Act with greater discretion and greater powers and I am submitting that they failed to discharge their duties under that Act and I am giving an instance of the failure of duty on the part of Government in the application of that Act to the *Civil and Military Gazette*.

Mr. President : The honourable member, instead of reading the article from the newspaper, is giving his own version of it. Would it not be better if the honourable member reads the article as printed in the paper so that his criticism of it may be better appreciated by the House?

Shaikh Abdul Ghani : I am sorry the paper is not before me at present. I read the article while at Murree and threw it away in utter disgust because of that article. So far as the capabilities of the local administration are concerned I may submit very respectfully that I with my conscience in me would not entrust powers to the Government which has misused them glaringly already.

The next point is whether there are any circumstances which can seriously be urged in justification of the passing of this measure. Four sources of mischief have been touched upon by the Honourable the Finance Member. The first is the civil disobedience. It has been repeatedly pointed out by several speakers who have gone before me that the civil disobedience movement is now dead. Honourable members may take it from me as one of the representatives of Rawalpindi and other urban areas that it is not likely to be ever put into action by us, so far as this particular issue is concerned, that is the Shahidganj affair. Can my Honourable Friend cite a single case—I do not say that there is none, I ask only for information—can he cite a single case which is pending in any court of justice anywhere in the Punjab which relates to civil disobedience? If there is none, are we then to enact for things which do not exist anywhere? If the condition of the province is what it is, that is, peaceful and law-abiding, is this measure a reward by the Government and the legislature to the province for behaving as it does? Is it not an injustice to impose this unjust measure on the province for no other reason than that it is behaving peacefully and loyally?

The next point touched upon by the Honourable Member was terrorism. I would submit respectfully with respect to terrorism that I am not at all cognisant of any instance in which an act of terrorism has been committed in the province during these days. My learned friend mentioned an anecdote that a Bengalee youth came here from another province and they had to deport him under certain suspicious circumstances. This is hardly any justification for enacting this measure especially when we know and every lawyer member knows that the existing Penal laws are replete with measures to prevent any individual or body of individuals collectively resorting to terrorism on a large or small scale. I would therefore submit that so far as this point is concerned no case has been made out for this legislation.

Another point mentioned was communalism. Here I would like to take sometime to explain to the House that the charge against the Punjab that it is communally minded is not literally true. Of course in a sense it may be true, because our very existence, as the constitution now is, depends upon this communalism, I am here because I am a Muslim, Sardar Sahib Sardar Ujjal Singh is here because he is a Sikh and so on; our representation, our political living in this province depends upon this constitution which recognises communalism. I strongly resent, if by that phrase is meant that there is communal strife in the province. I say without fear of contradiction that this year 1935 has been the best in the annals of the Punjab history. So much for communal strife and the communal-mindedness of the province. Are we blind to the fact that an unprecedented upheaval took place a few months ago in Lahore? The issue lay between the Sikhs and the Muhammadans and the Muhammadans and the Government. But the former never came to a clash, though there was a clash in the latter case. Several lives were lost and several persons received injuries at the hands of the police and the military and there was an unusual stir in the country. What was the result so far as the two communities were concerned? I remember of only one instance in which a Sikh constable was alleged to have been stabbed by a Muslim. Excepting that solitary instance I am not aware of any other incident in which there has been any conflict between the Sikhs and the Muslims. Be it also said to the credit of the Sikhs that though this murder was committed under very provocative circumstances the Sikhs practised remarkable restraint. Even in the matter of Muslims, although the police had been firing on the masses, not a single instance can be cited in which the Muslims resorted or attacked the Sikhs or the Hindus. The Hindus and Sikhs living in the same mohallas with the Muslims were not at all molested by the Muslims after the firing on the first day. I learnt that there was only very little police in the city, because a big force was not considered necessary on account of the restraint practised by the Muslims. To say that there was bad blood between the Muslims and the Sikhs to an unusual extent is absolutely incorrect. I reside in Sargodha and I represent a constituency which extends from Bahawalpur on one side to the Frontier at the other. The Hindus and Sikhs living in that area are in a minority and the Muslims are in a majority. Yet, not a single incident has happened where the Muslims have molested the Sikhs or the Hindus. I would therefore submit that there is no animosity of feeling between the various communities residing in this province. If the feeling were in reality embittered we would have seen the whole province flung into a sort of revolution. But what do we see?

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Even in Frontier Province there is not a single instance to quote where the Muslims have in any way done any harm to the Sikhs or the Hindus. Are we then justified on the strength of these facts which are as clear as day light to hold that this province is communally minded in the sense that there is every likelihood of riots between the Sikhs and the Muslims or the Hindus and the Muslims? People have now begun to learn the wisdom of residing side by side with one another as brothers and they now realise fully well that their destinies are bound together and that sacrifices are to be made on both sides if they are to live in peace and harmony in this unfortunate land.

So my submission is that on the pleas of so-called terrorism and communalism the Government case is hopelessly weak. With regard to other things, communism, for example, my honourable friend had to fall back upon three pamphlets which perhaps he received and none of us did. With respect to payment of taxes, our province is very peaceful and the land revenues are very regularly paid. If I mistake not the other day I read the annual report of the Revenue Department in the papers and my honourable friend the Nawab Sahib had some very good words to put in for the zamindars—the way they behaved, the way they paid up their arrears—and the tone of that report was very hopeful and jubilant. It was said therein that only a small fraction of the revenue was outstanding. In a province which has behaved as Punjab is doing to-day I do not think we are justified in giving it a measure of this sort. Another argument advanced is that we should leave a good legacy behind. I think before I sit down I should also expose the fallacy of this argument. It is fallacious on the face of it. From a legal point of view what right have we to legislate for a Government that has not taken its inception yet? To legislate for a Government that is yet to be born and which is to come into being for the first time is not proper. We do not know what would be the conditions in the province at that time and what would be their needs and wants. So far as the legal aspect is concerned I would submit that we are absolutely disentitled to bring forward any legislation, extraordinary legislation of this sort and to tell our successors here we are, we put this on the statute book to remain there for your life unless you make an extraordinary effort to shake it off. I think there is no justification for this. In the next place if my learned friend and his Government are so solicitous of leaving a good legacy behind, I will direct his energy to better channels. I tell him, and he knows it, that yearly our graduates, young men, after spending a lot of their parents' money are going out into the world unable to make a bare living. There are herds of them. They are flocking the Law College and even after leaving the College they cannot sustain themselves. Here is an opportunity for this Government.

The Honourable Mr. D. J. Boyd : How is this relevant? I cannot possibly answer this as the subject is not unemployment.

Shaikh Abdul Ghani : It was argued by my learned friend that we should leave a very clean slate and a good legacy behind.

The Honourable Mr. D. J. Boyd : I did not make any such statement.

Shaikh Abdul Ghani : I do not exactly remember his words ; but there was something of this nature said by him and my honourable friend from Amritsar and Mr. Nanak Chand Pandit also referred to that point and so far as my memory goes I think there is some such thing in his address. Can I proceed, Sir ? What I am submitting is, do away with unemployment.

The Honourable Mr. D. J. Boyd : How is unemployment relevant ?

Shaikh Abdul Ghani : After your ruling Sir, I would consider it a mere disturbance. Let the Government bring in a measure in which they devise means for the employment.

Mr. President : May I ask which principle of the Bill the honourable member is now discussing ?

Shaikh Abdul Ghani : My submission is that we are here wasting the time of the House in discussing measures that are not wanted, in discussing measures that are absolutely unnecessary and this time could better be spent in devising and considering other measures, for instance in connection with unemployment, reducing land revenue and abiana.

Mr. President : May I point out that the honourable member is not relevant ? An able lawyer like him could easily make anything relevant but his speech, as delivered is full of irrelevancies.

Shaikh Abdul Ghani : So I would say with respect to communism, it is due to unemployment, it is due to heavy taxation. I deny there is any such movement ; but if the Government thinks there is then I would tell them to bring in measures to remedy unemployment, to reduce taxes and then to see that your fears are soon at rest. If you really think there is communism I will be one with you and my party also would be with you to support you in that measure. But the proposed Bill is a very unjust reward for the excellent conduct and behaviour of this province during the difficult days. Kindly take it off the agenda. We cannot countenance it ; our conscience does not permit it.

Rai Sahib Lala Labh Chand Mehra (Non-Official, nominated) (Urdu) : I have very attentively listened to the speeches delivered by the honourable members opposing the Bill. I am very sorry to find that they have ignored facts and have said things which are not actualities but mere creation of their imagination. They attempted to make sentimental appeals to the House. It is a fact which cannot be denied that in the days of civil disobedience movement there was great unrest in the country. Law and order was flouted and not cared for. The law of the country was not sufficient to meet the situation that was created by the originators of the civil disobedience movement. The mere recollections of the tyrannies committed by the followers of the so-called non-violent movement in those days make one feel horrified. At the time this Bill was first moved in this Council I had related all those tyrannies which were practised by the followers of the cult of civil disobedience and non-violence on the people. I need not repeat them here. Honourable members are very well aware of them. It was only this law which appeared first in the shape of an ordinance that checked the movement and saved the situation then. It is this very law that had been able to keep the movement in check during the last

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three years. I see no reason why it should not be continued. It has been said that the civil disobedience movement does not exist now, that the congress has withdrawn it and that this law had nothing to do with its suppression. But all this is contrary to facts. Congress has not withdrawn it, but congress has been forced to withdraw it by this law. The civil disobedience movement would have been revived had this law been not in force all this time. Some honourable members said that the civil disobedience movement has come to stay. If it is so, then also it is necessary that the law under consideration should also be made permanent to keep this movement in check.

It has been said against this law that it curtails our liberty. I admit it does. But every law is a check on one's liberty and man never likes his liberty to be checked, but in spite of this in every civilized country law has been considered a necessity for the good of society. The only test is whether the act which is prohibited by the law is a good act or a bad one. If it is a bad act then it is our duty to support the law which penalises the bad act. Liberty is the birthright of man, but the liberty which interferes with the liberty of others is no liberty but a crime and it is the duty of the Government to check it. This law does not interfere with the liberty of the general public. It checks the liberty of only those followers of civil disobedience movement who interfere with the liberty of others who coerce people not to sell and buy foreign cloth who picket their shops, who arrange their social boycott, who abuse them, who insult them and who stage the mock funerals. They not only intimidate those who would not submit to their unlawful demands but even perpetrate murderous assaults on them. A cloth merchant was fired at in Amritsar simply because he did not stop selling foreign cloth. It is a fact which is on record. Luckily the man who was fired upon escaped with an injury and did not die. The men who attempted the murder was awarded 5 or 7 years. The fact is known to honourable member representing Amritsar muslim constituency. (*Shaikh Muhammad Sadiq* : Some such case might have occurred). It did occur. If the honourable member wants to plead ignorance of it, it is open to him to do so. This law is meant for such people and for those who want to upset the present order by preaching communist ideas and non-payment of taxes. From the experience of the last three years this law has proved very useful for the people in general. It is not only useful for the ordinary citizens but it is also beneficial for those who practise civil disobedience movement. It stops them from doing unlawful thing and so from going to jails. Had this law not been in force during the last three years these people would have preached their cult and they and also those who would have followed their preaching would have been convicted and sent to jails. This law had kept them in check and consequently saved them the sufferings. A preventive remedy is always better than a cure.

Then the honourable member from Amritsar (*Shaikh Muhammad Sadiq*) said that the future Government will be a party Government and that the parties in power will misuse this law against their opposition. On the one hand the members claim that they are themselves capable of administering their own country and on the other they are diffident and show distrust in those whom they would select to govern them under the future reformed

Government. It is height of inconsistency. We need not entertain such fears because under the reforms safe-guards have been provided in the constitution and special powers have been given to the Governors to save such situations as suggested by the honourable member. With these few words I support the Bill under consideration.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : It has been pointed that the circumstances are such as demand exceptional and extraordinary powers for Government which it has possessed for the last three years in the shape of this Act of 1932. It cannot be denied and the opponents of this measure have not denied that there are exceptional times. Government might demand exceptional powers and unusual powers for unusual times. It also cannot be denied that no Government worth the name can look with equanimity its laws being defied, its authority being flouted and non-payment of taxes and other liabilities being preached. With these premises I would try to examine the grounds on which the Honourable the Finance Member has asked this House to give the Government these exceptional powers. He has enumerated as his learned predecessors described the movements as public enemy No. I, public enemy No. II, public enemy No. III and so on against which this Bill is to provide. The Honourable Finance Member has in the first instance emphasised that these exceptional laws are required to meet the civil disobedience movement. He has very frankly conceded that it can safely be said that the country is free from the civil disobedience movement at the present time. He has at the same time been pleased to state that there can be no guarantee that this movement would not be revived in the near future. With respect to this I am afraid I cannot endorse the view of the Honourable Finance Member because there are certain circumstances which clearly show that this civil disobedience movement is dead for all time to come. My reasons are that the very protagonists of this movement are now openly saying that the blind paths of non-co-operation and civil disobedience led the country nowhere and they are seriously contemplating whether they should not accept offices under the new constitution and whether they should not work the new constitution.

The Honourable Mr. D. J. Boyd : Has Mr. Gandhi ever said that ?

Sardar Arjan Singh : I think the Honourable the Finance Member clearly knows that for the time being he has left politics and therefore there is no question of civil disobedience. It is very difficult to say that there should be a guarantee to that effect in any other form except the form in which we have it. Therefore, I am afraid, this bogey of civil disobedience movement does not hold water. If that were the only argument and the only movement it would have been difficult to support the Government when it asked for the exceptional powers, but the next question is with respect to terrorists. Well, terrorism certainly is a movement which, sometimes it may not be apparent on the surface, has undercurrents and it sometimes spreads with alarming rapidity and I think he would be a bold man who says that this province is altogether free from this terror. The worst thing about terrorism is that it spoils the raw youth of the country and it has been very rightly pointed out by another member of the Government in another House that the real culprits sometimes escape and it is only the man used as a cat's paw who is caught and punished. Therefore terrorism is a real danger to

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the peace of the country and it cannot be said that this country is altogether free from it and is an exception to the cult of terrorism.

After terrorism comes communalism. I think we have heard very good sentiments expressed by our friend from Sargodha, but the facts are where they are. Can we deny that communal tension in this province is at the highest pitch at this moment? We have seen demonstrations on communal lines, we have seen boycott movement gaining ground simply on communal reasons. Can it be therefore said that this province is altogether free from communalism? I do not mean to suggest that I am for giving powers to the Government for crushing one community or for setting one community against another. I do not mean to suggest that, but to say that the province is altogether free from communalism is far from truth.

Pir Akbar Ali : The province is inhabited by three communities.

Sardar Arjan Singh : And therefore it is that there is so much communalism in evidence at this moment. Then comes the question of communism. I do not personally understand what it really means, but I think there are members who really know that there are paid agents of communists propaganda. These people are carrying on their propaganda in the countryside and I as a zamindar can very well say that they are trying to break up the very fabric on which the daily work of the zamindars is depending. Therefore to say that the country is not suffering from this movement is not correct.

Pir Akbar Ali : Question. There is absolutely no movement in the villages of this kind.

Sardar Arjan Singh : There are people who sometimes pose as congressmen, but when we know they declare themselves to be the worst enemies of the Congress and they carry on communist propaganda and they are hired agents of the communists. It has been pointed out by the oppositionists that ordinary laws would be sufficient to meet the ordinary requirements of the country. I think experience has shown that it is only these exceptional powers which have saved the country in these days of communal strife and therefore it can very well be said when it is claimed by the Government and claimed by the House that this Act of 1932 was not very much in operation, it can be very well claimed by the Government that it was so because the Government possessed those powers. It was only because the Government possessed all these powers that these activities, subversive activities, were kept in check and the very presence of this Act had a very salutary effect upon the peace and tranquillity of the province as a whole. My submission therefore is that this law is absolutely necessary for sometime to come. But I would make one limitation and that is regarding the term of this Act. I am dead against this law being made a permanent law and my reasons I will state presently.

It can very well be said that the Honourable Finance Member has expressed his solicitude for future Government so much so that he refused to give an undertaking just as his illustrious predecessor had given as to the nature of cases for which this Act would be employed. He said that he would not bind the future Government. I

remind him that just as he is anxious to leave this legacy to the succeeding Government, we on this side are as much anxious that we should not fetter in any way the discretion of the succeeding Assembly. That Assembly will have a more representative character than this House has and we in this House are not prepared to mortgage the future of the Assembly. Therefore if the future Government mainly dependent upon the goodwill of the House then in existence can convince that House, the latter might be willing to give extraordinary powers to the Government if they wished that Government to carry on. Therefore I make it quite clear to the Honourable Finance Member that this legislation should be only co-extensive with the life of this Government and with the life of this Council. It should not extend for one moment beyond the life of this Council and the life of this Government.

With these words I support the motion of the Honourable the Finance Member.

(At this stage Mr. President left the Chair and the Deputy President occupied it.)

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (Urdu): I feel that the Government would have realized by now that there is absolutely no force in the arguments adduced by the Honourable Finance Member in support of this Bill. The Government is fully conscious of the weakness of its position in this matter, but it is proud of its power and it feels that it can get every measure passed in this House by reason of its strength, and can do whatever it likes. The present Government wants to leave a curious legacy to the coming Government.

There lived once an old woman, who was a regular shrew and was constantly teasing and pestering her daughter-in-law. It so happened that she fell ill and her condition became very serious. She told her daughter-in-law that though she was dying she was leaving her spirit behind in a particular earthen pot. If she would make any mischief, the spirit of the old lady would severely punish her. Similarly the present Government is on its death bed, but it wants to warn the people that although it will have gone, still if they will misbehave or make any mischief, the spirit of this Government which will be embodied in this Bill, will come forward and severely take them to task. Now just fancy, in 1932 the then Finance Member brought forward a similar Bill with a view to fighting terrorism and the civil disobedience movement. But the present Finance Member, in his zeal to outshine his predecessor, has introduced two more items, namely, communalism and communism, as justifications for bringing forward such a legislation. He is apprehensive of great disturbances and communal riots in this province. He says that on account of the Shahidganj Mosque affair the relations between the various communities have become very much strained therefore a measure of this kind is extremely necessary to prevent any disorder and communal riots in this province. But if we go to any part of the province we find everybody condemning the attitude of Government in this case. The truth is that it is the Government which has produced and encouraged communal tension in the Punjab in order to find pretext for a measure of this kind. The Government has not so far made its position clear in regard to the Shahidganj affair. We have only to see who stands to gain by the present state of affairs, whose position is

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strengthened by a situation of the present type? The answer to these questions will establish the identity of the agency responsible for this mischief.

Sometime back the very same question came up before Parliament. It was argued that as the Hindus and the Mussalmans were quarrelling with one another it was better to have Europeans at the helm of affairs. As you know, at about the same time this unfortunate Bill was on the anvil of the central legislature. We made it clear at that time before our countrymen that neither the Hindus nor the Mussalmans stood to gain by its passage; it would result only in the ultimate advantage of a third party, that is, the Government. I assure you with a clear conscience that if I had power the first thing which I should like to do would be to intern those Government officers who are generally responsible for creating mischief. But what has the Government done in connection with a recent occurrence? They interned those people who would certainly have been instrumental in bringing about an amicable settlement of the whole dispute. By the internment of responsible, influential and well-meaning leaders the Government unleashed the dogs of strife. But nobody has the courage to lay this blame at the door of the Government which richly deserves this indictment. People know it full well that if they ever dare to fling the truth in the face of the Government they will have to come out of prison much wiser men. And the Government goes on reprimanding the people in its own fashion saying, "Why don't you end your quarrels?" But there is no one to get up and say, "It is you who are perpetuating this quarrel". I am speaking from my personal experience. An affidavit was once given by an officer of the Punjab Government that I was a member of a conspiracy hatched or about to be hatched for murdering European officers, although the fact of the matter is that such an idea had never entered my poor head. I may have participated in a campaign of civil disobedience and done other things unpalatable to the Government but the idea of hatching a conspiracy to murder European officers is simply against my creed. But the Government never hears any argument in such matters. It lent credence to the reports of its informers and removed me from the Jail Committee. We should remain alive to the tactics of the Government and never miss an opportunity of placing the truth before it however inexorable it may be. I know certain people were in favour of the Government measure when it was last brought before the Council but when a totally harmless clause of the Act was applied to some of them they began to raise a hue and cry against its application. This should not be our attitude. We should try to nip the evil in the bud. We should try to oppose all unreasonable legislations brought forward by the Government knowing it full well that if they are meant to be applied to some other people to-day they may be applied with an increased force to our case to-morrow. I am not one of those who think that it is bad to oppose a law of the land. If a wrong law is put forward or enforced in our country we should have the courage to oppose it. Every gentleman living in a country has the right to oppose unreasonable and foolish laws promulgated by the Government. Who knows that people like the Honourable Minister for Local Self-Government and the Honourable ex-Minister, Mr. Manohar Lal may come into conflict with the Government and

truth may be on their side? If they think that any of the Government laws is unreasonable or based upon a defective knowledge of circumstances they have a moral right to revolt against such a law. Moreover the Government should not be unmindful of this fact that it is just possible that those very people may come into power against whom they propose to make such drastic laws to-day. Such things have happened in the past and they may happen in the future also.

The greatest argument put forward for placing this law permanently on the statute book is the discovery of some leaflets though they have not been read out to us fully; only extracts have been read out to us. Perhaps they are copies of some essays written by some school urchin who dropped them from his satchel and they were picked up by some vigilant C. I. D. man. This is the whole proof of the presence of a communist organisation against which the Government wants to make this drastic law permanent. I do not think, that the Government has any justification whatsoever to impose this nefarious law on the people of this province. I have grave doubts that the Government does somehow or other manage to create circumstances for the enforcement of the laws of their own liking. I am not making merely a hypothetical statement. Government has actually behaved like this in the past. The fact is not unknown to us that in 1929 the Superintendent of Meerut Police sent a youth to the Punjab to hatch a plot here. When the young man was arrested and imprisoned he wrote a letter from jail to the authorities that he was a police officer and not a political offender. On that this Council censured the conduct of the Government. The people did not know anything about this affair until the letter written by the young officer in question was intercepted.

Then the Government has no justification to ban a communist organisation in this country. If I were to form a party in the Council on communistic lines the law does not stand in my way. Communism is a political creed recognised all over the world. Only the other day a communist member has been taken in the Cabinet along with the French Premier, Monsieur Laval. So the Government cannot interfere with the political creed of anybody. If politically speaking I say that no Englishman should remain in this country the Government has no right to find fault with my political views so long as they do not come into actual conflict with the administration set up under the constitution. I say that the Government has slighted this legislature by bringing forward such a measure for its approval. I am sorry that Government which is proud of its democratic traditions asks us to pass this anti-democratic law. I do not think any of the Englishmen sitting on those benches could ever think of proposing such a law in his own country. There are such people in their own country that if they had been here the English Government would have sent them to the gallows. But their presence is tolerated by the beneficent British Law and their political susceptibilities are respected in their country. I fail to understand the necessity of this law when already there is section 151 in the Indian Penal Code under which you have ample powers to arrest, detain and imprison any gentleman living in this country. I know that people bow before your power but I assure you that nobody is convinced by your arguments. We are weak and you are powerful. The fear of incurring your displeasure makes us tremble in our shoes. But this is a fact that you have

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no reason on your side. I say if you had placed this law before a gathering of school boys they would have refused to listen to your lecture. How, then, do you expect reasonable people to see eye to eye with you in regard to this Bill. I think the Government has taken undue advantage of our weakness. They know that we dare not incur their displeasure by refusing support to this Bill, so they have brought it forward. The Government officers are fully aware that the convincing power is not in their brain but it is their angry looks which make people yield to them. I am sure there is not a single reasonable person here who may be willing to lend support to this Bill but the Government has brought it forward relying on the power of their prestige. Then I fail to understand how Mr. Boyd comes by such leaflets. I have been leading the life of a public man for the last 15 years or so, but never has anybody handed over such a leaflet to me. Circumstances show, Sir, that the Government itself manages to create the mischief. For instance, what happened with regard to the Shahidganj affair? The Government issued a *communiqué* that the mosque will not be allowed to be demolished. This was on the third. But in spite of this promise the mosque was allowed to be demolished. I ask, did not the Government know that the mosque was about to be demolished or was being demolished? We all know that our Government has the capacity of smelling very deep plots in the air. How could it remain ignorant of the fact that the mosque was being demolished? The fact of the matter is that it slept over the news because this was, perhaps, in accordance with their expectations. I may not be able to produce a documentary proof but this is a fact that no responsible Sikh leader was willing to associate himself with the idea of demolition. But the Government did not give them any opportunity to intervene. Nor the responsible Muslim leaders were allowed to intervene. Sardar Mangal Singh, M. L. A., rushed to the place at 8 A.M., but the authorities did not permit him to have a discussion with the Sikhs. The officers said, "Sikhs and Muslims are equal in our eyes." I, for one, cannot understand the attitude of the Government officers. Let the Honourable Finance Member explain whether it is or is not a fact that influential Sikh and Muslim leaders were not allowed to interfere when the mosque was being demolished. I assure you that the Ahrars did their best to avert the catastrophe of a communal clash and they did so at the risk of incurring the displeasure of a vast number of their community. They have made a great sacrifice in this affair. We honestly believed that the Sikhs were not so bad as they were depicted and we hoped that if they were approached properly they would have acceded to our demands.

The Honourable Mr. D. J. Boyd : Are we discussing the Shahidganj affair or this particular Bill? The details of the Shahidganj affair do not appear to be relevant.

Mr. Deputy President : The honourable member may make passing reference about the Shahidganj affair but should not go into the details.

Chaudhri Afzal Haq : The affair was mentioned in the speech of the Honourable Finance Member himself. Now he objects to a remark being made about that affair. However, I would not make any more remarks. I had no intention to deliver a lengthy speech on this subject but I wanted to make just one complaint before the honourable members of this

House. It is very regrettable that we have made ourselves completely subservient to the wishes of the Government. We dance to the tune of the Government officers. This has turned their heads and now they expect that we should support any reasonable or unreasonable proposal emanating from them. But we should make it clear once for all that the Government may seek to take undue advantage of our weakness or our dissensions but the truth is not on its side. It cannot convince us of the righteousness of their position. The Government ought to have taken a lesson from what happened in the Assembly. The verdict of the Assembly on this Bill ought to have opened their eyes. But they think that the Punjab is Punjab and here they are the masters of all they survey; nobody has the courage to raise his voice against their policy. So they are sure that they will be able to place this law permanently on the statute book. But I must make it clear that I am not convinced by their arguments; I may bow before their power but that is another thing.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban), (*Urdu*): The Government has brought forward this drastic measure at a time when there is quiet in the country. To provoke the dormant forces of disorder and mischief at a time when there is not the least justification for it means that the Government is digging its own grave. Does not the Government or this House realise that one who tries in this world to bring trouble to others suffers himself from it in the end? This is what the history of all nations and that of our own country tells us. There is positively no danger and no fear of any subversive movement being started or even revived in the near future. It is only an imaginary fear and it is that imagination alone that has worked up and prompted the Government to come forward with such a measure. I can very well see that the state of the mind of the Government and its officers is exactly the same as it was in the case of Kans on his being informed that Krishna had been born to put an end to his life. After that information he smelled danger everywhere, even in his rooms and from his chairs and beds where he used to find rest and peace. Similarly the Government is smelling rats even though there is no danger and no fear of any movement being started against it as I have already said. The civil disobedience movement has died out and the terrorists have been removed from the scene as the Government has itself told us on more than one occasion. I wonder why the Government should have thought fit to bring forward this measure when it has itself assured us that it has succeeded in crushing these movements. I should think that it is afraid of these movements even after they have been buried under the grave with its own hands.

As I have said there is no likelihood of the civil disobedience movement being started even in the remote future. If there is some dissatisfaction or discontent to be found amongst the people, it is because of the economic conditions prevailing in the country at present. Many of our brethren are, in these days, finding it difficult to have sufficient to eat to keep their bodies and souls together. They rightly resent the present arrangement of things under which the foreigners, who have come from abroad and who do not belong to this place, live in luxury and have all sorts of amenities of life, while they, who have a better claim to all these facilities, are being denied even the bare necessities of life. Not only that. They resent this arrange-

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ment all the more because even the dogs of these foreigners are treated in a better way. These dogs have velvety beds to sleep on and they have biscuits and milk to eat and drink while the sons of this soil do not get even sufficient to eat. This is the only serious problem which faces the Government to-day and which requires solution. But the Government, instead of facing it squarely, is trying to evade it and is seeking refuge in blaming us for tendencies which in fact have never found favour with us. I must say again that our masses are certainly dissatisfied over the present arrangement of things and they do want and they have begun to insist on being given means of subsistence. It is to deny the means of subsistence to these labourers that the Government is trying to arm itself with such lawless laws. Otherwise there is certainly no need for enacting such measures.

It has been said that the spirit of communalism is growing and to fight this spirit successfully it is very necessary that this proposed law should be placed on the statute book of the province permanently and without any delay. It is wonder of all wonders that our Government, which has flourished only because of this spirit of communalism in this unfortunate country, should now think of arming itself with such measures in order to crush that very spirit. I should think that the spirit of Mahatama Gandhi is working in Government circles. Otherwise the Government which is responsible for giving Communal Award to the country and dividing the people into different groups, could not have thought of fighting communalism in the country. It knows and knows full well that it is the Communal Award which has made our differences keen and enlarged the gulf between the different communities. It knows that it can remove these differences to-day if it were so minded. But it will never do so because it is fully aware that the greater our differences the more secure it feels. Therefore it is safe to say that this bogey of communalism has been put forward as a plea to serve the end the Government has in view at present. I would warn the honourable members not to take the Government at its word. It is only to win our support to this Bill that the Government has shown this solicitude for our welfare for the first time during all these years.

We have seen that there is no danger of civil disobedience nor of the terrorist movement. We have also seen, at any rate, it is more than clear that the plea of communalism has been advanced only as a time-server. I ask, then, what is the ground on which the Government can reasonably expect us to bless this Bill? Of course, if it is thinking of taking some such step in the immediate future as will set the country aflame and will compel all right-thinking men to rise in opposition to that step, it must take us into its confidence so that we may be able to decide whether we should support this Bill or not. If the Government cherish some such intention, then I must give it credit for preparing itself for that contingency. But I may at the same time let the Government know that such tactics will not avail and will most likely react on itself. It is acting like that man who sets a house on fire on one side and rushes to the other side and raises an alarm that the house has caught fire and the fire-brigade should be at once sent for. I shall be excused for saying all this. But this is what I feel the Government is doing now. I am very glad to see that the members of this Council have after all come to realise the situation. I shall be all the more glad if

I find them sticking to the present attitude and throwing out this Bill just as the Assembly has done. We should henceforth make up our mind never to support such lawless laws which give powers to the executive to perpetrate all kinds of tyrannies on innocent people of the province.

I may take this opportunity to inform the Government that it will never succeed in stopping the people from raising their voice against any act of high-handedness of the Government. Let it have any number of such laws and even more stringent laws, but it must remember that these laws will not help it to crush the spirit of people for ever. It will have to yield to the legitimate demands of the people sooner or later and that being so, why should it insist upon passing such laws even in the teeth of opposition? I wonder why it should not allow the people to say what is true and what cannot be evaded for long. It is now an admitted fact that the peasants are not able to pay all Government dues at the rate at which they are demanded and if that is so I ask why a person who says all this in public should be arrested by the so-called guardians of peace and order. If the Government is honest, it should allow the people and their representatives to give expression to their views freely and frankly. But that is the attitude that it will never adopt. In the circumstances, the only course left open to us is to oppose this and all such measures that the Government may bring forward before this Council.

Mr. M. A. Ghani (Nominated, non-official): I was extremely sorry to find yesterday afternoon the Honourable Finance Member indulging with all his experience and learning in the same old bogey of communism as a sort of argument for bringing this measure permanently on the statute book of this province. It seems to me that it has become the fashion of the day with the high Government officials, the capitalists and the imperialists to connect every little activity to help the poor people of this province with communism. This being so, it appears to me that just as they have developed big bellies so they have developed big nostrils to smell the germs of communism everywhere. It has been pointed out by my honourable friend, Pandit Nanak Chand, and the honourable member for Amritsar, Mr. Muhammad Sadiq, that there is no communism whatsoever in this province. With all my love for those ill-clad, ill-fed and down trodden masses called the depressed, labouring and kamin classes and with all my activities for their uplift and with all my activities for organising them, I say here on the holy floor of this scared House where on the sacred throne you sit as the uncrowned Deputy King of the province that I have never come across any communism among the labouring and depressed classes of this province. My honourable friend, Mr. Nanak Chand Pandit, was absolutely correct when he pointed out that in this province where the people are caste-ridden, creed-loving and religiously mad there can be no communism. Communism can never find a place in a country like this. Communism can only find place in a country which is highly developed and where the people are most ruthlessly crushed and where the masses are cruelly treated. I say that these conditions do not exist in this province. Neither the people are cruelly oppressed nor are they highly developed as was the case in Russia. Therefore, I submit that it was a very fallacious argument advanced by the Honourable Finance Member when he wanted this measure to be put permanently on the statute

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book on the score of the prevalence of communism here. Again, the Honourable Finance Member quoted from two or three pamphlets and said that they were published by certain communists trained in Moscow. Here again, I submit that I am the only person in this House who should receive such pamphlets more than anybody else. I have been connected with labour movement in this province ever since its inception for the last 15 years, but I have never received any such pamphlet or poster or advertisement or anything of that sort. I fail to understand how this beautiful little pamphlet or letter reached the hands of the Honourable Finance Member and not of anybody else. My friend, Mr. Sadiq, was perfectly justified in saying that the pamphlet must have been written by some Criminal Investigation Department or by some police officer so as to strengthen the hands of the Honourable Finance Member to advance an argument in support of his contention that this measure was very necessary for this province. You should know that our Criminal Investigation Department and the police are perfectly dishonest and it is no wonder if the Criminal Investigation Department or the Police had stooped so low as to fabricate such evidence and to create such false evidence to be put before the House. It was not, therefore, right on the part of the Honourable Finance Member to use that fabricated and false evidence cooked and prepared in the Criminal Investigation Department.

Again, the Honourable Finance Member said that several young men trained in Moscow were touring round this province teaching the gospel of Lenin, Trotsky and Karl Marx. I think I am the only person who goes about the factories and workshops where the labouring classes are and I say with all the vehemence at my command that I have never come across any such young man. I wish I could meet such a young man so that I may have a talk with him and get first hand information of the things that prevail in Moscow and other parts of Russia, for my own enlightenment. If I were to meet such a young man, I would like to tell him to go to Bengal and other parts of the country with his preachings of communism and not to stay in the Punjab where his doctrines would not be heard. The Punjab is a land of peasant proprietors. The land is almost equally divided. We have not got here big talukdars as in the United Provinces. Therefore, I should like to meet that young man who, according to the Honourable Finance Member, has been trained in Moscow to tell him to go to Bengal where there is permanent settlement, where there are big jute factories or to go to the United Provinces and preach there the gospel of Lenin because the poor peasants there are simply trodden down by the big talukdars.

If there is any communism in the province, then in order to do away with communistic ideas section 2 or 3 of this Bill would be no remedy. The best remedy would be, as has been pointed out by so many members, to do away with the unemployment problem as is being tackled by the Bengal Government as regards the deteneues. Another plan would be to encourage trade unionism which according to the Minister for Local Self-Government is nothing but communism. He called me a communist yesterday. (*The Honourable Dr. Sir Gokul Chand Narang* : I did not). You did. I want to tell you there is a world of difference between trade unionism and communism and it is a pity that the Honourable Minister for Local Self-Gov-

ernment does not know even this much. In a recent speech delivered by the Right Honourable Mr. Baldwin and quoted in the *Statesman* of the 13th of this month, he is reported to have said that trade unionism was a bulwark against communism. Therefore, it behoves the Punjab Government to encourage trade unionism and not to prosecute trade unionists like myself who are law abiding and peaceful and who do their level best to eradicate the evil of communism from this province. It has been said by some members that by one prosecution I have not been made straight. There is still something in me which I may do against Government. I have never received a single pamphlet or leaflet on communism. I am afraid that in my absence some Criminal Investigation Department might go to my house and throw some pamphlets there and get me prosecuted again.

Apart from this weak argument, there were other very cogent and strong arguments advanced by the Honourable Finance Member for bringing this measure permanently on the statute book. One was about the communal tension in this province. One or two honourable members have denied that there was any communal tension in this province. I would like to challenge that statement. Communal tension is prevalent in this province. The politics of this province depend on communalism. Every inhabitant of this province is communalistic. Every Hindu, every Muslim, every Sikh is a communalist and if any member of this House says that there is no communalism in this province, I am afraid that he is not putting things correctly. What happened recently in Lahore? A certain decree was obtained by a certain community and that community in obedience to that decree wanted to demolish—

The Honourable Mr. D. J. Boyd : May we get rid of these communal details?

Mr. Deputy President : The honourable member will please speak to the motion and not repeat the arguments which have been already advanced by other members.

Mr. M. A. Ghani : I was going to touch very briefly the Shahidganj affair in order to show that the communities of this province do not tolerate other communities and cannot appreciate their religious susceptibilities. Heavens would not have fallen if the Sikhs had consented to concede to the demands of the Muslims. That shows that we need some measure of this sort which the Honourable Finance Member has moved before this House. We speak of Sikhs, Hindus and Muslims and indulge in communalism right and left and when the Government want certain powers to cope with the communal tension then these very Hindu, Muslim and Sikh members get up and oppose Government. I cannot understand the mentality of the representatives of these communities in this House. One argument was advanced, I think, by Shaikh Muhammad Sadiq that there was no occasion for such a measure being put on the statute book. He said that there was no civil disobedience in this country and that there was no non-co-operation movement and, therefore, such a measure was not needed at all. I refer again with your permission to a certain resolution that was moved in the Muslim Conference at Rawalpindi recently in connection with the Shahidganj affair. There it was seriously moved that Muslims should indulge in civil disobedience and non-co-operation. (*Interruption*). It was

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moved but it was not carried. That shows that the idea of civil disobedience and of non-co-operation is there. It may be launched at any time. As my friend says, the germs are there. Therefore, if there is no such measure as this, how will the Government be empowered to meet such contingencies? If there is no such measure, what would happen? The civil disobedience might take the form of non-payment of taxes or non-payment of revenue. (*An honourable member* : Lead the tongawalas procession). Yes ; we are permitted because we are law abiding. It reminds me of the Persian couplet :

تا تریاق از عراق آورده شود مار کزیده مرده شود

By the time the civil disobedience is launched, if there is no such measure, then do my friends suggest that the Government should call a meeting of this Council and sit here and then talk about for a week or a month to pass the measure and in the meantime things may get worse and become out of control? So my submission is that under the present circumstances this measure is essentially for the good of the province. It may be that there are one or two sections which are not quite palatable to us. Take, for instance, section 3. Under this section, the Government is empowered to send away any man for any time. An amendment may be moved fixing a period. Again, it was argued that we are leaving a bad legacy for the coming legislatures. It was said by Shaikh Muhammad Sadiq in a very humorous speech, what would happen when the Government bloc is done away with and there will be all elected members on the Treasury benches? My submission is that the elected members of the future Assembly who would be appointed as Ministers would be persons of intelligence and wisdom and learning and they would not use this measure in a bad manner and if they consider it is not needed for the good Government of the province, they could repeal or amend it. What would be there to prevent them from doing it? Again, our new friend, Chaudhri Asadullah Khan, made much, yesterday, of certain notices issued against the venerable head of the Ahmadiya movement. In my extensive tours in connection with the Labour movement, I happened to go to Qadian last September and I happened to meet the head of the Ahmadiya community. I found that the people there were very peaceful and law-abiding and their head is simply a charming personality. It was very wrong on the part of the Government officials to issue a notice under this Act against such a law-abiding and peaceful community. But those notices were issued by a certain Government official and that official abused his powers under the present Act (*Hear, hear*), but on that score only this measure cannot be thrown out. We see daily that the police, the Criminal Investigation Department, the magistracy and a number of Government officials abuse their powers. Do you mean to say that we should repeal the Indian Penal Code because a certain official has abused it or that we should repeal the Police Act because a certain sub-inspector or inspector has abused his powers? (*An honourable member* : What do you think?) I think that the honourable member should bring in a motion demanding action against that Government official and demanding his dismissal from Government service. That is the proper course for the honourable member to do. It is said that we should be consistent and because the Assembly has thrown out a similar measure we

should also throw out this measure. That is no argument. As pointed out by the Honourable Finance Member, in the Assembly the Honourable the Leader of the Opposition said that it was for the provincial councils to pass such a measure and if the present Government consider that this measure is essential I think we should give this power to them. With these words I support whole heartedly the motion made by the Honourable Finance Member. (*Cheers*).

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Non-official, nominated) (*Urdu*): I have listened to all the speeches that have been delivered on the Bill under consideration very attentively. While I was listening I made up my mind not to be swayed this way or that, merely by the impulse of the moment, but to weigh the arguments advanced for and against calmly and support the side which convinced me of the relevancy of its point of view. Consequently I decided to wait and to seek opportunity to have my say last of all when I have heard all the honourable members. I assure the House that I will place before it most honestly the conclusions I have arrived at after listening to all the speeches both for and against the Bill. The Honourable the Finance Member said that there was need for enacting the law under consideration permanently and he gave his reasons for it. He also mentioned the circumstances which made it necessary to have all the powers which the law under consideration gives. This was in a way making an admission that the Government was unable to meet the situation with the help of the ordinary law of the land. This is a confession on the part of the Government of its inability. But if you look at it from another angle you will find that such a frank admission of its inability to meet the situation with the present law in force is admirable on the part of the Government. The extraordinary situation that has arisen in the country requires extraordinary powers to meet it and the frankness with which the Government has admitted its inability shows its anxiety to maintain law and order and to check the disorderly conditions in the interest of the people of this country. The sense of responsibility of the Honourable the Finance Member and the Government is admirable in that they have in the interest of the country admitted their weakness. (*At this stage Mr. President resumed the Chair.*) An honourable member said that the Government is fond of having more arbitrary powers. I fail to understand the logic of this remark. If really it is a fact that the Government is anxious to have more powers notwithstanding all those powers which it already possess under various enactments on the statute book, then no doubt it is deplorable. But fortunately it is not a fact. The Government are not desirous of having extraordinary powers. The extraordinary situation that has arisen demands extraordinary powers, powers that the Government do not possess beforehand to meet that situation. Then there was the objection that by enacting this law the present Government was imposing something on the future Government which the latter may or may not require. The present Government is anxious to make this law permanent because it is desirous of giving a chance to the future Government to establish itself with the help of the present law. In a way it is making a sacrifice inasmuch as it is incurring all the unpopularity by enacting this law which otherwise the future Government would have incurred by bringing forward such a Bill. The present Government wants

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to leave this law as a legacy to the future Government so that it may have a chance to establish itself firmly. We at present are passing through a transitional stage and it is natural that at such a time new and extraordinary situations might arise and cause disturbance. In order to meet such situations it is necessary that some suitable law should be legislated beforehand. The Honourable the Finance Member has enumerated all the grounds which necessitate the enactment of this law and no member has proved that those grounds did not exist. The Honourable the Finance Member also stated the number of cases in which this law was applied and he also showed that its application was not unjust. The honourable members said that it was possible that the future Government may use this law unjustly. If this law has not been used unjustly in the past, how can it be said that in future it would be unjustly used? Only one honourable member said that this law was misused against the head of the Ahmadya community. I cannot say whether the attention of the Government has been drawn to this accusation which the honourable member has made by saying that this law was unjustly applied against the head of the Ahmadya community. The Honourable the Finance Member will, I hope, explain to the House the circumstances which required the application of this law against the head of the Ahmadya community. I know the Ahmadya community is very law abiding and peace loving. They have always been loyal to the Government and have always avoided taking part in any political movement. The circumstances in which this law was applied against the head of that community must have been extraordinary. I have not read about them in any newspaper.

Then, the honourable members, Sh. Mohammad Sadiq and Shaikh Abdul Ghani, expressed their inability to understand how the magazines issued by the communists come into the hands of the Government while they are never sent to them. The communists do not send their literature to the honourable members because they think that the honourable members are above all such things and that they are too loyal to the Government and that they are the well-wishers of the province and that as such their literature cannot have any influence on them and that supplying them with their magazines amounts to wastage of paper and labour. On the other hand the Government have to be on their guard against all such movements and consequently they keep themselves well informed to suppress them. Perhaps after to-day's speeches which have been delivered by the said honourable members communists might send their literature to them also.

Then, it was said by an honourable member that these magazines which contain communist literature are printed and sent to the Government by the Criminal Investigation Department people themselves in order to show themselves busy and actively keen in the performance of their duty. This is a most irresponsible statement and quite unfounded. When under the new reforms you will have your own Government the same or similar charges could very well be brought against you. Then in the event of such a charge being brought against you, what would be your position? Will such a charge stop your framing laws to meet some extraordinary situations that would arise at that time? Members ought to refrain from making such irresponsible statements. They should not bring such charges against the

Criminal Investigation Department or the police. (*Mr. M. A. Ghani*: The police that can launch false cases against people, is also capable of this.) (*Shaikh Muhammad Sadiq*: Sir, on a point of order. I object to this gentleman's first opposing the motion and now taking sides with the member who is supporting it.)

Moreover, an honourable member said that as Mahatama Gandhi has now retired from politics the congress movement has also subsided and, therefore, there is no need for enacting this law. These remarks are an adverse reflection on the respected personality of Mahatama Gandhi for they mean that Mahatama is a god of law-breaking and that as he has retired from politics there would be no law breaking any more. The honourable member who said it did not consider that it was open to Mahatama ji to enter the field of politics at any time and, moreover, the Congress has not withdrawn civil disobedience movement. Congress can revive the movement at any time.

Further, the country is advancing and new circumstances and new needs require new laws. We see that some time before the Municipal Act was different from the one now in force. The Executive Officers Act was recently passed because the new circumstances had necessitated its passage. Similarly at some time there may be felt the necessity of making new rules or enacting a new law regarding the district boards. Similarly with the change of the point of view of the people new and changed laws are passed. In the beginning, civil disobedience movement and the evil of non-payment of taxes were regarded temporary things and consequently temporary laws were passed to suppress them. Now it is regarded that these movements have come to stay and as such necessity of a permanent law is keenly felt and the Government have placed this Bill before the Council to be enacted as a permanent measure. It would be a folly to suggest that one should take quinine only when one gets fever. Dr. Rahman would laugh at such a suggestion. To avoid fever one has to take quinine even before one gets fever. A law like the one under consideration is permanently needed.

What I understand from the speech of the honourable member Shaikh Abdul Ghani is this that the present law is urgently needed. Towards the close of his speech he referred to the Shahidganj affair and said that all the trouble arose because the Government had failed to apply this law. He also said that such deplorable situations as the Shahidganj affair can only be controlled by the use of force. From all this I understand that he is in favour of this law. The Government really want some more powers to meet such emergencies.

My honourable friend, Pandit Nanak Chand, in the course of his speech remarked that the present legislation is a reward for the loyalty which was shown by the loyal subjects on the occasion of the Silver Jubilee of His Majesty The King Emperor. I am afraid that my friend is labouring under a slight misapprehension. The object of this Bill is not to punish the loyal subjects but to prevent definitely undesirable people from disturbing the loyal and faithful subjects. In my opinion, there cannot be a better compensation for the loyalty and devotion of faithful subjects than to enact measures which may protect them and their property from the harm and mischief of undesirable and lawless people.

[K. B. Mushtaq Ahmad Gurmani.]

It has been argued by the opposition that there is no terrorism in the province and that an occurrence of an outrage or the explosion of a bomb here and a bomb there, is not adequate to justify the introduction of a legislation of this character. I am greatly amazed at the attitude of some of the honourable members of this House who are opposing this wholesome measure and are advancing such arguments. Do they want to see the whole of the province steeped in confusion and chaos in order to justify this measure? I am proud of my province and the wonderful loyalty and sense of law which it has exhibited up to this time. I hope my honourable friends who are opposing this Bill will not try to tarnish the fair name of our province which has not allowed any such wicked and nefarious movements to flourish here and take deep roots in its soil. The honourable members have always felt their responsibility. They have always lent their wholehearted support to Government to maintain law and order in the province and I feel perfectly confident that even on this occasion they will give a good account of themselves and will help the Government in passing a useful and helpful measure.

Again, it was observed by an honourable member that communism is prevalent in Russia and the British Government is making friends with the Russian Government and is admitting it into the League of Nations. If the Government really wants to fight the dragon of communism, why does it not break its relations with the Russian Government? This is a very funny argument indeed. But I should like to point out to those friends who say so that like India in Russia too there are some fire-brands who are making mischief.

Now I should like to submit a few words to the Honourable Finance Member. I lend my whole-hearted support to this Bill, but I would request him not to insist on its being permanently placed on the statute book. There are many laws on the statute book, but we do not always make use of them. It is quite likely that the future Government may not stand in need of this legislation at all. In future people may begin to have great confidence in the Government and the Government in turn may completely rely on the people. In that case there will be no occasion to enforce this law and it will merely be a dead letter. The future Government will always take pride in this fact that whereas the previous Governments had to pass very stern laws to maintain peace and order, they were doing without them, that will certainly reflect great credit on that Government. I would therefore request the Honourable Finance Member to pass this Bill only for a period of three years. If the future Government thinks that this Bill is necessary for all time they can pass it again.

In the end, I would submit to the honourable members of this House that they should not try to throw out this wholesome measure in a thoughtless and hasty way. Like practical men they should consider the Bill in all its details and try to make it more useful and agreeable when it is taken into consideration. At that stage if they deem fit, they can suggest amendments and if they find that there are some really objectionable and disagreeable portions they can delete them. But it is highly improper and unwise to throw out a useful and important Bill without serious thought and consideration. I fervently hope that the honourable members will dispassionately and coolly consider this Bill, and will not be carried away by their

sentiments. I trust that they will help the Government in passing this wholesome measure. With these words, I lend my whole-hearted support to the motion under consideration.

Mr. J. D. Anderson (Legal Remembrancer): All I wish to say at the moment is that I am authorised to say that Government is prepared to consider any amendment putting a fixed period to the operation of the Bill if it is passed.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): On account of an important professional engagement I have to leave Lahore tonight, and I thought that it would be only fair that before I leave Lahore I should give expression to my opinion on the present Bill.

This Bill raises a very grave issue. The executive government has requested the legislature that it should pass a measure which will arm the executive with powers which are appropriate only to a time of emergency. On the other hand the representatives of the people have denied that any emergent legislation is required, that any conditions either exist in the country or that there is any real apprehension of conditions arising in the country which will justify the legislature in passing a law of the kind which is before us. They also contend and rightly contend that so far as their knowledge goes there has been a very material and distinct improvement in the conditions which prevailed, say in 1932, and which induced the legislature at that time to pass the law which was identical with the Bill which is now under consideration. I hold that the executive has a right to expect every reasonable help from the legislature in suppressing movements which are subversive of either Government or society itself. And if the Honourable Member in charge of the Bill had been able to put forward facts which could convince me that there was a real, genuine need of a legislation of the kind which we have now in front of us I for one would have supported the present motion and the Bill as a whole in spite of the fact that it is a legislation of a very disagreeable character, a legislation which will not appeal to the general public and which has already been condemned very severely all round.

The Honourable Member for Finance was pleased to quote a couple of sentences from the speech which I made in 1932 when the predecessor of the present Bill was under discussion. Those sentences related to my belief in regard to the duty of a Government towards movements which aim at paralysing the executive government or which aim at shaking the very foundations of society. I stand by every word which I uttered then, and if the Honourable Member is able even now to put forward any facts which will give a sure indication of the existence of conditions which existed in 1932 I would certainly support the present measure also. The executive is under a clear obligation to maintain decent conditions of peace and security in the country and it can legitimately request the legislature to place adequate powers at its disposal for this purpose. But has the Honourable Member in charge been able to produce convincing evidence in order to induce an impartial jury to give a verdict in favour of the existence of circumstances which would justify the enactment of the present Bill into law?

[R. B. Ch. Chhotu Ram.]

I would draw the attention of the House to certain undeniable facts. We all know that this Bill has met universal condemnation in the general public. It has been condemned by the Press universally. It has been turned down in the Legislative Assembly by an overwhelming majority of elected members. And I find a very significant reluctance in this House itself on the part of elected members to come forward and say a word in support of this measure. There has been only one solitary elected member who has spoken in favour of the motion so far and even his support was neither unqualified nor whole-hearted. He was speaking more or less in an apologetic tone. Therefore if I submit to the House that there is no genuine feeling in support of this Bill among the elected members of even this House I would certainly be quite correct in saying so. There has been a very significant silence on those benches. . . (*Hindu benches*). If anybody from those benches stands up and speaks giving his blessings to the Bill I would welcome it. It would mean a very distinct change in the mentality which has so far governed that particular section of the House. Even the voice that I heard on my right (*pointing to Sardar Sahib Sardar Ujjal Singh*) in support of the Bill as I have already told the House came in a very halting tone and was probably guided by the same considerations which might possibly influence certain members in the Hindu Sabha section of the House to lend their support to the present Bill. I need not be more explicit on that point at least in the House.

I may explain the considerations which induce me to oppose this Bill. I have already drawn the attention of the House to the universal condemnation which a measure similar to the present one has met in the Assembly, has met in the country generally and has also met in the Press. Now let us come to the existing conditions and see whether those conditions justify the passing of a measure of this character. The honourable member in charge of the Bill himself had to admit that civil disobedience had disappeared for the time being. I may add that it has been definitely given up by the Congress though only for a temporary period of indefinite duration. The Congress has decided to come into the Councils and make use of the powers which the new constitution will place in the hands of elected members. The temporary giving up by the Congress of the weapon of civil disobedience by means of a formal resolution and the passing of another resolution enabling those who were once believers in the cult of boycott to seek election to the future legislatures, taken together give a very sure indication of the fact that civil disobedience is not likely to be revived at least in the near future. That is one very solid, substantial ground which differentiates the present conditions from the conditions which prevailed in 1932. Let us come to another very striking difference which is noticeable in the present conditions. That difference is to be found in the present general temperament of the people. As was observed by one of the previous speakers the old weapons, the old drastic remedies which were once popular and fashionable have lost their charm and the people have lost all faith in those weapons.

After the bitter experience of approximately fifteen years people have come to a definite conclusion that the heroic remedies once advocated by the Congress were no remedies, and certainly were not practi-

cable. That general change in the mentality of the people is visible to anybody who would care to observe things for himself. This is another very striking difference between the conditions of today and the conditions which prevailed in 1932.

Again, the experience of the working of the present Act during the last three years definitely shows that terrorism is all but gone so far as the Punjab is concerned—I am not speaking of Bengal. I am speaking of the Punjab. It had never taken any deep root in this province but during the last three years whatever vestiges of terrorism existed in the Punjab before have disappeared by now. The Honourable Member in charge of the Bill has not been able to quote instances of the existence of terrorism in this province. He just quoted the seizure or receipt or three leaflets or posters—I do not know what he called them—in which there was a certain amount—

The Honourable Mr. D. J. Boyd : That has nothing to do with terrorism. I was then speaking of communism.

Rao Bahadur Chaudhri Chhotu Ram : The Honourable Member in charge says that he made no reference to cases of terrorism.

The Honourable Mr. D. J. Boyd : Entirely wrong. I mentioned two very definite cases.

Rao Bahadur Chaudhri Chhotu Ram : Yes, one man with a revolver was arrested in the Punjab and that man had come from Bengal?

The Honourable Mr. D. J. Boyd : Quite wrong. He is a Punjabi.

Rao Bahadur Chaudhri Chhotu Ram : Two instances were quoted by the Honourable Member in charge of the Bill indicating the existence in this province of terrorism. The evidence is that they had revolvers or pistols.

The Honourable Mr. D. J. Boyd : That is not correct, Sir.

Rao Bahadur Chaudhri Chhotu Ram : What is correct then?

The Honourable Mr. D. J. Boyd : I have once made my speech and I am not going to make it the second time.

Rao Bahadur Chaudhri Chhotu Ram : The impression made by his speech on the House is that it really does not exist in the province. The instances which he quoted did not show, at least unmistakably, that terrorism existed. The arrest of a wild young man here and there with weapons or undesirable literature on his person does not mean that he is necessarily a terrorist. A thief or a robber or a burglar may have a revolver on his person. That does not necessarily mean that the man arrested was a terrorist.

Then, again, one portion of the present Act dealt with instigation to refusal to pay taxes. Happily the Punjab was never in a mood to listen to the preachings of either outsiders or of those living in the Punjab in respect of non-payment of taxes. That cult never took root here. The Punjab is not at all a congenial soil for the growth of a cult which would incline people to refuse to pay taxes. At any rate, the Honourable Member in charge of the Bill has not been able to state a single instance in which any refusal to pay taxes was made. He has not been able to quote a single case in which anybody was, at least successfully, prosecuted for preaching

[R. B. Ch. Chhotu Ram.]

non-payment of taxes. I know that the zamindar would be the last person to listen to preachings of non-payments of taxes, because the risks incurred by listening to that preaching are so serious that he would rather risk his life than risk his land. Therefore, incitement to the refusal to pay taxes does not exist. It has not been alleged. The Honourable Member in charge also admitted that the Punjab is primarily and essentially a land of peasant proprietors and a better, more practical, more evenly-balanced distribution of land is not feasible. Therefore, the Punjab is not a congenial place for the growth of communism either. Then, what is left on the basis of which the Honourable Member in charge of the Bill asks this honourable House to give its support to the Bill? Nothing is left. Terrorism is, to all intents and purposes, non-existent. Non-payment of taxes has not even been alleged. Communism cannot prosper in this province. I do not see anything which can really be pleaded as a serious ground by any member of the Government for the support of this House.

Now another ground was put forward which related to the existence of communalism. I am afraid communalism does exist. It would be useless to deny its existence. It does exist. But the question is whether the existence of communalism will really justify the enactment of a measure of this kind. Has communalism resulted, in a large number of places or on sufficient occasions, in creating a situation which will justify the enactment of a measure of this kind? Certainly not. It has been alleged that a very ugly situation came into existence in Lahore and continued for some time. While the cause of that situation related to a matter which may be regarded as communal I think I can reasonably and justly claim that the ugly situation itself was not the result of any communal tension. I think one of the honourable speakers on this side of the House made it quite clear that in spite of the existence of that tense situation there were only two instances of a deplorable character. Beyond that there are absolutely no instances of breach of the peace attempted either by Sikhs or by Hindus or by Muslims. Will the occurrence of just those two instances of a deplorable character justify any Government in asking this House to pass a permanent measure placing in the hands of the executive government repressive powers of the most radical character? Certainly not.

Another reason which was put forward by the Honourable Member in charge was that the present Government was very very solicitous indeed for the coming Government—the Government under the new constitution. The present Government seems to think that it would be very unfair on its part if it does not leave behind it a reserve of repressive powers for use by the coming government. I do not know whether it should be reckoned as a service to the coming government or as a dis-service to the coming government. In any case, I can claim that it is wrong to have a legislation of this character meant to be used by the coming government, passed by the present House. The present House is a mixture of nominated members and elected members. The present Government is practically an irresponsible government. Will it not be better to leave the enactment of a Bill of this character to the coming legislature which will be able to claim, justly and rightly, to represent the true feelings of the country, and to a Government which will be responsible to a wholly elected House? Per-

sonally I feel that the present House is not a very proper House to be asked to undertake the responsibility of passing this legislation. Why should it pass a legislation of an unpopular character for the benefit of a government which will rest on the votes of elected members, and which will be responsible to the province as well as to an elected House? Is this Bill a good Bill? If it is a good Bill, if it is a desirable legislation, it is unfair that the present Government should seek to deprive its successor of an opportunity to enact this measure for itself. If it is a bad measure it is wrong that it should be enacted by a Government which is practically irresponsible, by a House which is a mixture of nominated and elected members and in which the determining voice rests not with non-official members but with the official block. Is there any measure which can be passed by the House except with the active support of the official block? Is there any measure which cannot be defeated in this House with the support of the official block? Therefore, I think I can rightly and fairly ask this House not to lend its support to this Bill, but leave it to the coming government.

Then, again, a friend behind me was asking: what is it which induces me to denounce or withhold my blessing from the present Bill? I would advise my friend to go through the last two Administration Reports relating to crimes. These two reports definitely show that there has been a very welcome decrease in crime in the Punjab. Then, the general situation comes to this. There has been a decrease in crime. Terrorism does not exist, communism cannot grow in this province, instigation to non-payment of taxes has not been alleged. If so, where is the ground on which this House is being asked to pass this Bill? So far as I can judge no valid ground exists except this that the official block can very easily exploit the unfortunate differences which divide one section of the House from another. That is the only valid ground to which one's finger can be pointed or on which hope can be built for the passage of this Bill.

Before I resume my seat I desire to state that my feeling is that no representative of Government is able to produce facts which would convince the average man that a situation calling for a legislation of this character exists. If it were otherwise I would be the first person to support the measure and would gladly advise all members of my party to support it. But, unfortunately, on the basis of the data supplied by the Honourable Member in charge of the Bill to the Council it cannot be claimed by the Honourable Member himself reasonably that this Bill is justified.

The Honourable Mr. D. J. Boyd: Entirely wrong. The honourable member did not hear those instances that I quoted.

Rao Bahadur Chaudhri Chhotu Ram: I did listen to them. I did weigh them, but the general impression left on my mind was practically nil. I refuse to believe that those instances were instances which indicated terrorism. After all the reports that you receive are very tainted reports.

The risks of a legislation of this kind to the ordinary citizens are very great indeed. One instance was quoted by the honourable member from Amritsar as to how a gentleman of very eminent position in this province was, without a word of enquiry from him, suspected of an action which he could not possibly be guilty of. Another instance was quoted

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by the honourable member for Hoshiarpur relating to the incident of the arrest of Mr. Bannerjee. Another instance I can quote from my personal knowledge. An official of a very low rank, a constable of the Criminal Investigation Department, sought to divert suspicion in a murder case from the real culprit to absolutely innocent persons, and, in order to achieve his object, he made a report that such and such persons were really at the bottom of that crime. In order to give his theory an appearance of circumstantiality he pretended to have picked up from the place of occurrence a letter addressed to one of the persons whom he desired to implicate. Fortunately the real culprit was arrested along with his alleged companions. One of these companions made a confession throwing full light on the actual perpetration of the crime. The actual murderer himself confessed that he was the murderer. Yet, this is the sort of information on which the Government so often bases its action and claims that it receives very reliable information from its Police Department. This is what happens every day. These two or three instances have shaken my faith in the infallibility or integrity of the Criminal Investigation Department very much. This constitutes, to my mind, a fresh danger which will accentuate the evils of the working of a measure of this kind.

Before I close I desire to suggest that if more light had been thrown, if more convincing matter had been placed before this House we might have changed our mind. I waited for a long time to see if any representative of Government would stand up and give more facts of a convincing character. But no such facts were forthcoming. Consequently, on the basis of the material that is before the House I cannot but refuse to give my blessing to the present measure.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural) (*Urdu*): If this Bill, which has been opposed by all the members who have spoken so far with the exception of one, is intended, as its sponsors have said, to preserve peace in the country and to maintain law and order, then we are better without that peace and without that law and order. We are prepared to sacrifice this and thousands of other Bills of this nature on the altar of that much-maligned chaos that we have to witness without this Bill if our honour is not safe. There are three main grounds which have been stated and on which this Bill is sought to be placed permanently on the statute book of the province. The first ground is the fear of civil disobedience movement. About that we have been assured that it has died out and we are aware of no declaration made by anybody in the country to the effect that it will be resorted to again. The second ground on which we have been asked to give our support to this Bill is the fear of a movement being started for the non-payment of taxes in the Punjab. But that ground is also not valid. The people of the Punjab who are known for their loyalty to the Government have never before even thought of refusing to pay taxes to the Government. Their loyalty stands in the way of their taking such a step. Therefore there can be no fear of such a movement being started in this province. As far as communism goes, which has been advanced as the third ground in favour of this Bill, it cannot flourish in a province like the Punjab and I should say in a country like India. But one may reasonably ask—If that is so, where do these papers or documents.

or whatever you may like to call them, come from, which the Finance Member brings here to convince us that there is such a movement afoot? That is really a question which must be answered. But before answering that question I would like to ask, how is it that all such papers and documents have a tendency to come into the hands of the Government and its officers only? Do the so-called communists and founders of this movement think that the Government officers are the best propagandists of their movement? Are they men of such a type that they are not prepared to rely upon their countrymen but have more faith in the Honourable the Finance Member? And above all, how is it that all such papers and documents are written in English which language very few Punjabis can read and write? Therefore naturally we have our doubts about the source of such papers and documents which supplies them on occasions like this when such Bills are sought to be placed on the statute book.

There is yet another ground which has been advanced by the Honourable the Finance Member in support of this Bill and that is the spirit of communalism which is said to be growing in the province. In answer to this charge I may at once say that it is not so much the fault of any community as it is that of the Government which has allowed this spirit to grow. And it is apparent from what happened in connection with the Shahidganj affair. I wish I had not touched this point, but I cannot help saying something about it. It is my belief and it is the belief of every sane man that neither the Sikhs, nor the Muhammadans nor the Hindus are responsible for these unpleasant occurrences. It is the Government alone which is to blame for what happened on that occasion. I ask why did not the Government raise even a little finger when jathas after jathas of Akalis were coming and mustering strong in the city of Lahore? Where was the Criminal Investigation Department of the Government at that time and what had become of all the sources of information at the command of the Government? I ask, why were these Akalis allowed to collect in large numbers here in Lahore on that occasion? These and other omissions on the part of the Government and the dereliction of its duty have confirmed the impression in the minds of the general public that it is with the help of the Government that the mosque has been demolished. A mosque which had remained intact for 2,000 years and which had not been demolished even when the Sikhs were the rulers of the province, could not have been demolished if the Government had not acted in the manner in which it acted on this occasion. May be that the Government is now sorry over what has actually happened. I am also prepared to admit that it condemned the attitude of the Sikhs in this connection. But I may inform the Government that this condemnation of the attitude of the Sikhs and other statements issued afterwards have not in the least helped to remove the impression that it is with the aid of the Government that the mosque was demolished.

Mr. Nanak Chand Pandit : May I ask how all this is relevant to this debate?

Pir Akbar Ali : I may as well say that this spirit of communalism has not grown because of the communal electorates as the learned Pandit Nanak Chand would have us believe. I am inclined to think that these denominational institutions, from one of which Pandit Nanak Chand himself

[Pir Akbar Ali.]

graduated, are responsible for the growth of the spirit of communalism. For that also the Government is to blame. It has not opened as many educational institutions as there is demand for them and the different communities had to open their own colleges to meet the growing demand of the public. Any way it is the Government, I think, that has allowed this spirit of communalism to grow in the province (*hear, hear*). Therefore it does not lie in its mouth now to come forward and say that to fight that spirit it must have this law on the statute book. I may as well say that these repressive laws will not help the Government in stopping the people from making legitimate demands. Where were these laws when the civil disobedience movement was in full swing and when the people caring little for all such laws went to jail in large numbers? We all know and the Government also knows that all these repressive laws proved ineffective at that time. In not a few cases did these laws prove engines of oppression and many innocent persons were deprived of their liberty and even of their means of livelihood on account of their being mishandled by the executive officers. If such laws help at all, they help to produce feelings of resentment and enmity in the minds of the public at large against the Government. It is the presence of such laws that was responsible for the internment of a lieutenant of Pir Jamait Ali Shah on the strength of an unconfirmed news rather rumour, which the Honourable Finance Member has said appeared in the papers, that the said Pir had decided to launch civil disobedience movement against the Government.

The Honourable Mr. D. J. Boyd : Nobody on this side said anything of that sort.

Pir Akbar Ali : I say this came out in the papers.

The Honourable Mr. D. J. Boyd : I said nothing of that sort.

Pir Akbar Ali : Any way it is an undeniable fact that no decision was taken in the meeting at Rawalpindi to launch this movement. All that was decided upon in that meeting was that the whole matter will be discussed in the meeting that was to be held at Lahore on the 20th and yet the gentleman was deported or rather interned.

The Honourable Mr. D. J. Boyd : Perhaps I had better explain. What I said was that the secretary of the conference declared that it had been decided to start civil disobedience.

Pir Akbar Ali : This declaration or whatever it was proved ultimately to be wrong as the Government now knows. I would like to know, however, in which paper that declaration appeared and whether Government had ascertained that the secretary who made that declaration had the authority of the Pir Sahib to make that declaration.

The Honourable Mr. D. J. Boyd : In answer to that question I may say that quite apart from other sources of information it appeared in the A. P. I. telegrams.

Pir Akbar Ali : I will pass on by saying that the sources of information at the command of the Government are not reliable or there is some defect in them.

I may take this opportunity to say that the primary duty of the Government is to afford us all sorts of opportunities to broaden our outlook so that we may become good members of society. It is no good to tighten the bonds of our bondage and thus to help the growth of our slavish mentality. If the Government continued to stick to its present attitude, we can never become useful members of society and I shall not be wrong if I say that we shall never prove of any help to the Government as well. The Government should not at every step think of restricting our freedom. It is against its own traditions which every Englishman rightly boasts of. We hoped that you would try for our up-lift. Our expectations were that

6 P. M. we would be able to tell other nations of the world that the British Government brought countless blessings to our country. But we are sorry to see that you are adopting such ways which will not redound to your credit as a civilized and a beneficent Government. You are trying to add to the number of chains which are already round our legs. For God's sake do not bring forward such measures which may throttle the small sense of freedom which is left in us. I will not go into the details of the proposed measure but this is certain that if it is enacted into law the honour of any gentleman will not be safe. Yesterday it was pointed out by many honourable members of this House that many respectable people are being harassed by the Government officers by virtue of this law. This is not merely a question of apprehension but it is a fact. I do not mean to say that the Government is entirely to blame. May be, some of its officers take the initiative and begin to harass the people of their own accord but there are certainly some who do it with a view to pleasing their high officers. Officers under the Government seem to be under the impression that they please the Government by being harsh to the people. They seem to believe that the Government is wedded to nothing but a policy of repression in this country. Has the Government ever given a moment's thought to this matter? Has it ever tried to find out the reason why sometimes people are dissatisfied with it, why speeches in this House are made against the Government. Why sometimes the friends of the Government have to join the ranks of its enemies? The reason of all this is that the Government seems to mistrust the people and the people in their turn have ceased to have reliance on the friendship of the Government. Therefore, they go to swell the ranks of its enemies. It is not an unknown thing that the Government gives more credence to the report of a constable than to the version of a respectable gentleman from amongst the public. This is contrary to all principles of law and justice but the Government sticks to this policy and never fails to give preference to the reports of its constables over those given by respectable citizens.

Mr. President : Will the honourable member please speak to the motion?

Pir Akbar Ali : I am speaking to the motion. I am refuting the arguments brought forward in support of this measure. The principle which the Government seems to have established is this that they can allow anybody to attend any meeting of the public.

Mr. President : Which principle of the Bill is the honourable member now discussing?

Pir Akbar Ali : Checking the reports of the police.

Mr. President : Is that the principle of the Bill ?

Pir Akbar Ali : Clause 7 deals with it.

Mr. President : That may be, but the principle underlying clause 7 is not the principle of the Bill.

Pir Akbar Ali : I was discussing the provision allowing people to attend any public gatherings.—

Mr. President : I have expressed my view and cannot allow it to be discussed. The honourable member will please discuss the principle of the Bill and not its clauses.

Pir Akbar Ali : Very well, Sir. The Government has given four reasons for bringing forward this measure but at this time not a single one of them holds good, and the Government itself admits this. Under these circumstances, what is the reason for bringing forward this measure ? Is the Government solicitous of the public safety ? If it is so, it should not worry over this affair as the people do not want this Bill. If in spite of all this the Government insists upon pressing this measure we cannot but quote the significant Punjabi proverb

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Perhaps the Government is solicitous for the welfare of the future Government of this province. But this is also not a fact. The future Government will be in a great difficulty on account of such a measure which is so universally hated. Now the people are thinking that our present Government does not want the new Government to come.

Mr. Nanak Chand Pandit : They will be glad if the new constitution does not even pass Aden on its way to India.

Pir Akbar Ali : You will be also glad if this is so. The Government should not pass such a law at a time when their tenure of office is rapidly nearing its end. With these words, I oppose the motion under consideration.

The Council then adjourned till 2 P. M. on Thursday, 24th October, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 24th October, 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

SUBORDINATE EDUCATIONAL SERVICE.

***4607. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) the number of II Class M. As. and M. Ses. in the S. E. S. (grade Rs. 110—5—135) with the approved service of five years or more ;
- (b) whether he proposes to consider the desirability of promoting them to the grade Rs. 140—10—190 ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member is referred to the Subordinate Educational Service gradation list placed on the table.

(b) Promotions in Subordinate Educational Service rest with the Director of Public Instruction who deals with each case according to its deserts.

Rai Bahadur Lala Sewak Ram : Is it a fact that several new appointments have been made direct in Rs. 140 grade since these people have been promoted ?

The Honourable Malik Sir Firoz Khan Noon : I require notice of that.

Rai Bahadur Lala Sewak Ram : Is the Honourable Minister aware that one Qazi Abdul Rashid has been appointed direct in Rs. 140 grade ?

The Honourable Malik Sir Firoz Khan Noon : I cannot answer off-hand unless I make enquiries.

GAZETTED OFFICERS IN THE CO-OPERATIVE DEPARTMENT.

***4608. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) how many gazetted officers there are in the Co-operative Department ;
- (b) how many of them belong to Ambala division ;
- (c) what reasons led the Government to give poor representation to this division ;
- (d) what the Government intends to do in the matter to help this backward division ?

The Honourable Sardar Sir Jogendra Singh : (a) 27, of whom 24 are Indian.

(b) One.

(c) No quota of representation is prescribed for divisions and districts. The best selection was made from the material available.

(d) In future recruitment, if suitable candidates from the Ambala division come forward, their claims will be given every consideration. The first consideration is, however, efficiency and aptitude for co-operative work.

SUSPENSION OR REMISSION OF LAND REVENUE.

***4609. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly lay on the table a statement showing :—

(a) the amounts of land revenue recommended for (i) suspension or (ii) remission in each district by local officers ;

(b) the amounts of remission and suspension sanctioned by the Government for each district ?

The Honourable Nawab Muzaffar Khan : (a) Government do not consider it in the public interest to disclose the recommendations of local officers.

(b) The remissions sanctioned by Government in *rabi* 1935 are detailed in press *communiqué*, dated the 15th June, 1935, a copy of which is laid on the table. These remissions are in addition to the suspensions and remissions which are being sanctioned by the Commissioners of divisions and the Financial Commissioner, Revenue, under the ordinary rules.

REMISSIONS OF LAND REVENUE OR WATER-RATE.

***4610. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state whether any remission of land revenue or water-rate has been granted in any district on the ground of low prices of *rabi* crops prevailing in May and June last, and if so, the amount per district so remitted ?

The Honourable Nawab Muzaffar Khan : A copy of the press *communiqué* giving the required information is laid on the table.

Copy of a Press Communiqué No. 1153, dated 15th June, 1935.

In order to give some measure of special relief in respect of the land revenue for the current *rabi* harvest, the Punjab Government have examined the agricultural statistics of the districts where there has been a marked fluctuation in prices from those assumed at settlement, and have granted special remissions of land revenue to the following eight districts and the Nili Bar Colony, amounting to over eleven lakhs of rupees, the approximate distribution being :—

	Rs.
Sheikhupura	94,000
Gujrat	51,000
Shahpur	1,18,000
Mianwali	4,000
Lyallpur	6,27,000
Jhang	29,000
Multan	94,000
Muzaffargarh	34,000
Nili Bar Colony	65,000

The principal crops of the *rabi* harvest are wheat, gram and *toria*. The difference between the wholesale prices prevailing on the 25th May, 1935, and the commutation prices assumed at the last settlement was found to differ to an extent justifying the grant of special remissions in these districts. This is in addition to the relief in land revenue granted in the Lower Bari Doab Colony (in the Multan and Montgomery districts) where a special remission of land revenue amounting to 40 per cent. of the demand on this harvest has been given under the operation of the sliding scale of assessment introduced in 1934.

Apart from the above and as a special case Government have given relief amounting to over five lakhs of rupees in regard to both land revenue and *abians* on the canal irrigated areas under wheat in the Jhang, Lyallpur and Sheikhpura districts on account of the widespread damage suffered by wheat through extraordinary calamities of the season.

CANDIDATES FOR THE POST OF ZILLADAR.

***4611. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether there are any instructions as to the proportion of Muslims and non-Muslim candidates for the post of zilladar which should be maintained by each Superintending Engineer when forwarding the rolls of candidates ;
- (b) if the answer to (a) is in the affirmative, whether it is a fact that this proportion is the same for all circles irrespective of the extent of the Muslim, Hindu and Sikh element in the population of each circle ;
- (c) if the answer to (a) is in the affirmative, whether Government will kindly place a copy of these instructions on the table of the House ?

The Honourable Nawab Muzaffar Khan : (a) The honourable member is referred to the reply to his question No. *3274,¹ dated the 26th June, 1934.

(b) and (c) Do not arise.

PATWARI CANDIDATES.

***4612. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether it is a fact that the Executive Engineer of Rohtak Irrigation division was instructed to remove the names of all patwari candidates excepting four Muslims and two Sikhs ;
- (b) the relative population of Muslims, Hindus and Sikhs in this division ;
- (c) the number of statutory Hindu agriculturists among the patwaris of the Rohtak division, what proportion this number bears to the total strength and to the strength of Hindus in the cadre ;
- (d) what is the number of statutory Hindu agriculturists whose names were removed in pursuance of the instructions referred to in (a) ;

¹Volume XXV, page 29.

[R. B. Ch. Chhotu Ram.]

- (e) whether the instructions referred to in (a) were issued with regard to all the divisions in the Punjab or with regard only to a few divisions, and if the latter, the names of the divisions concerned ;
- (f) who issued the instructions referred to in (a) ;
- (g) whether the Government is prepared to lay on the table of the House a copy of the instructions referred to in (a) ; and if not, why not ;
- (h) what is the proportion of statutory Hindu agriculturists in the whole cadre of partwaris and of Hindu patwaris respectively in the province ?

The Honourable Nawab Muzaffar Khan : (a) No such instructions were issued to Executive Engineer, Rohtak. A copy of certain general instructions issued by the Superintending Engineer to all his Executive Engineers on the subject of passed patwari candidates is laid on the table.

(b) All attempt is being made to ascertain the approximate relative population by communities in the Rohtak division.

(c) 38. This represents 38 per cent. of the total number of patwaris in the Rohtak division and 2.75 per cent. of the total provincial cadre excluding the Sutlej Valley Canals and Mirabs in the Derajat Circle.

(d) Nil.

(e) Circle instructions issued to the 4 Executive Engineers in the Western Jumna Canal Circle only.

(f) The Circle instructions were issued by the Superintending Engineer.

(g) Yes : a copy of the Circle instructions is laid on the table.

(h) The proportion of Hindu agriculturists in the total cadre as referred to in reply to (c) is 8.5 per cent. and 48.7 per cent., respectively.

No passed candidates of any community were removed from Executive Engineers' lists.

Copy of a letter No. 3623/26, dated 5th May, 1935, from F. A. Farquharson, Esq., M.C., Superintending Engineer, Western Jumna Canal Circle, to the Executive Engineer, Karnal, Delhi, Rohtak and Hissar.

	1865,	1st April, 1935,	
	1399-16-1.E.,	7th March, 1935,	
WITH reference to your letter No.	8-E-P. 695,	27th April, 1935,	I have the
	367-875-E,	1st April, 1935,	

honour to forward the Circle Statement which shows the present situation and the following general orders are herewith given for future compliance and which are much on the lines of the recent Committee's recommendations in Lahore, and which will, I think, be accepted by Government:—

1. General Orders.

(1) Each Divisional Officer will open a register of accepted candidates, i.e., candidates who have not been trained or sent up for the Patwaris' Examination.

(2) No candidate may be brought on to this register unless—

(a) he is a Matriculate,

(b) he is over 18 and under 22 years of age at the time of acceptance.

No candidate may remain on this register after attaining the age of 25 years.

As per I.M.
O. 1-6 (1) (c)
and (d).

(3) The Divisional Officer will make sure that he brings on to his list only 3 candidates for each communal vacancy that will occur in his division during the next five years, and these candidates should be as far as possible 60 per cent. agriculturists and 40 per cent. non-agriculturists.

(4) The Divisional Officer will arrange to get these accepted candidates trained in accordance with the orders in Irrigation Manual of Orders 1-6 (2) and they will then appear in the examination which will be held in rotation at the divisional headquarters, viz., Delhi, Rohtak, Karnal and Hissar in that order for all candidates.

(5) Those candidates who pass will be brought on to the Passed Candidates Register of the division concerned in the serial order of passing by communities.

(6) Permanent vacancies will be allotted to the men by seniority in the order of passing the examination.

Temporary vacancies will be allotted similarly by communities.

(7) In the event of any passed candidate not obtaining permanent employment before the age of 25, his name will be struck off the Passed Candidates' Register.

(8) In the event of any Divisional Officer not having a passed candidate of the required community, he must first apply to each of the other divisions before making a permanent appointment, but temporary appointments in a division in such cases may be filled from passed candidates of other communities borne on the Divisional Register.

(9) On January 1st each year each Divisional Officer will forward a statement to the Superintending Engineer as per the attached form from which the Superintending Engineer will prepare a Circle statement and pass orders as to the—

(a) Transfers of passed candidates from one division to another to even up inequalities :

(b) The necessary numbers of men to be trained by communities in each division ;

(c) The date and place of the next examination.

(10) The filling up of vacancies in a division will be carried out in accordance with the orders in Chief Engineer's letter No. 9683-Est.-S., dated 17th November 1934, until such time as the correct communal ratio has been arrived at, after which a communal vacancy will be filled by a passed candidate of that community.

The Circle statement shows that under Muslims and Sikhs there are insufficient passed candidates on the lists to comply with the filling up of permanent appointments and having a reserve for temporary leave and unforeseen vacancies, and the following candidates are to be put into training now for an examination to be held by Executive Engineer, Delhi, in October next:—

II Special orders for 1935.

Muslims.		Sikhs.		Hindus.
Karnal	.. 2 No.	Karnal	.. 3 No.	Nil.
Delhi	.. 5 No.	Delhi	.. 3 No.	Nil.
Rohtak	.. 6 No.	..	..	Nil.
Hissar	.. 10 No.	Hissar	.. 1 No.	Nil.

Before any accepted candidate can appear in the examination he must hold the necessary certificate from the zilladar as ordered in Irrigation Manual of Orders 1-6 (2).

It is Government's intention to improve the standard of patwaris and to enable the majority of munshi appointments to be made from the patwari establishment, therefore Divisional Canal Officers will please select their candidates very carefully.

[Hon. Nawab Muzaffar Khan.]

STATEMENT OF PATWARIS AND CANDIDATES IN THE CIRCLE.

Name of Division.	SANCTIONED SOALS INCLUDING APPRENTICES.				AS EXISTING BY COM- MUNITIES.				NUMBER OF PATWARIS DUE TO RETIRE 1935-39 INCLUSIVE BY COMMUNITIES.				NUMBER OF APPOINTMENTS TO BE MADE 1935-39 BY COMMUNITIES.				PASSED CANDIDATE PATWARIS UNDER 25 YEARS OF AGE.				Orders by Superintending Engineer.
	Muslims.	Hindus.	Sikhs.	Total.	Muslims.	Hindus.	Sikhs.	Total.	Muslims.	Hindus.	Sikhs.	Total.	Muslims.	Hindus.	Sikhs.	Total.					
Karnal	14	9	5	28	11	17	..	28	1	1	..	2	1	..	1	7	8				
Delhi	42	28	14	84	16	67	1	84	..	4	..	4	3	..	1	11	15				
Rohtak	43	29	14	86	27	54	5	86	1	..	1	2	2	..	..	5	5		
Fisnar	37	25	12	74	25	45	4	74	3	6	..	9	6	1	1	26	36				
Total	136	91	45	272	79	183	10	272	5	11	1	17	12	2	3	49	64				

**MUNSHIS AND PATWARIS IN WESTERN JUMNA AND
SIRHIND CIRCLES.**

***4613. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the proportion of Hindus, Muslims and Sikhs in the population of the Western Jumna and Sirhind circles and the proportion of (a) Hindus and (b) statutory Hindu agriculturists among the munshis and patwaris of these circles?

The Honourable Nawab Muzaffar Khan : Canal Circle boundaries do not coincide with Civil Department divisions and figures by Canal Circles are not available. The population of each civil division falling wholly or in part within the irrigation boundary of the Western Jumna and Sirhind Canal Circles is as below—

WESTERN JUMNA CANAL CIRCLE.

Ambala division.

Gurgaon district	..	..	Nil.
Rohtak district	..	..	805,621
Karnal district	..	..	852,614
Hissar district	..	..	899,479
Ambala district	..	..	742,902
Simla district	..	..	Nil.
Total	..	..	8,300,616

SIRHIND CANAL CIRCLE.

Jullundur division.

Kangra district	..	..	Nil.
Hoshiarpur district	..	..	Nil.
Jullundur district	..	..	Nil.
Ludhiana district	..	..	672,494
Ferozepore district	..	..	1,156,782
			1,829,226

**PATWARI CANDIDATES IN WESTERN JUMNA AND
SIRHIND CIRCLES.**

***4614. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the number of (a) Hindus and (b) statutory Hindu agriculturists whose names have been removed from the list of patwari candidates in the Western Jumna and Sirhind circles in pursuance of instructions issued lately to the various divisions concerned?

The Honourable Nawab Muzaffar Khan : No specific orders for the removal of Hindus or of any other community have been issued; but in pursuance of orders to reduce the number of patwari candidates generally the following numbers of Hindus and Hindu agriculturists are among those removed from the lists—

(a) 107.

(b) 8.

EXEMPTION FROM PAYMENT OF LAND REVENUE.

***4615. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state whether land comprised in the sites of (a) villages and (b) towns is exempt from the payment of land revenue ?

The Honourable Nawab Muzaffar Khan : The attention of the honourable member is invited to Appendix XV to the Settlement Manual.

EXEMPTION OF AGRICULTURAL LAND FROM LAND REVENUE.

***4616. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state whether agricultural land acquired for the location of a factory or residential houses and actually built upon ceases to pay any land revenue after the next land revenue settlement has been made ?

The Honourable Nawab Muzaffar Khan : The attention of the honourable member is invited to section 48 (1) of the Punjab Land Revenue Act, 1887, and Appendix XV to the Punjab Settlement Manual—especially paragraphs 7 and 8.

GOVERNMENT'S SHARE OF NET ASSETS AT THE LAST SETTLEMENT
OF ROHTAK, HISSAR, KARNAL, GURGAON AND
AMBALA.

***4617. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) the proportion of the nett assets taken by the Government as its share at the last settlement of Rohtak, Hissar, Karnal, Gurgaon and Ambala districts respectively ;
- (b) the commutation prices adopted at the time of the settlements referred to in (a) ;
- (c) the rise in the wages of agricultural labourers since the settlements referred to in (a) were made ;
- (d) the rise in the prices of the various items of the cost of production usually deducted from gross assets since the settlements referred to in (a) were made ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The honourable member is referred to the Final Settlement Reports of the districts concerned.

(c) and (d) The answer to these parts of the question would entail a special enquiry involving an amount of labour that would be out of all proportion to the value of the information sought.

PUNITIVE POLICE POSTS IN ROHTAK.

***4618. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly lay on the table of the House a copy of the report, if any, of district officers with regard to the advisability of lifting the punitive posts from the thirty-four *bastis* of the Rohtak district before their usual time ?

The Honourable Mr. D. J. Boyd : The report to which the honourable member appears to refer is of a confidential character, and it is not in the public interest to publish it.

APPOINTMENT OF STATUTORY AGRICULTURISTS TO THE SUBORDINATE EDUCATIONAL SERVICE.

***4619. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of appointments made in the grade of Rs. 80—4—100 or higher grades of S. E. S. during the years 1927—1935 (both years inclusive);
- (b) the number of Hindus, Muslims and Sikhs among the persons appointed to the grades and during the years referred to in (a);
- (c) the number of statutory agriculturists among the Hindus, Muslims and Sikhs referred to in (a) ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member's attention is drawn to the information supplied in answer to question No. *1924,¹ asked by Chaudhri Ram Sarup in 1932. For the rest of the information he is referred to the Subordinate Educational Service gradation lists corrected upto the 1st April, 1933, 1934 and 1935, copies of which are placed in the Council Library.

It may, however, be added for the honourable member's information that the communal representation in the Subordinate Educational Service (Anglo-Vernacular Section) as it stood on the 1st July, 1935, was as under :—

	Per cent.
Hindus	46·9
Muslims	38·9
Sikhs	13·2
Christians	1·0

APPOINTMENT OF STATUTORY HINDU AGRICULTURISTS IN EDUCATION DEPARTMENT.

***4620. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of statutory Hindu agriculturists who took the diploma of S. A.-V. or the degree of the B. T. from the Central Training College in the years 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934 and 1935;
- (b) the number of persons referred to in (a) who have been employed under Government ?

¹Volume XXII, pages 450-51.

The Honourable Malik Sir Firoz Khan Noon : (a) A statement giving the information required is laid on the table.

(b) Four, including two who were already in Government service. Besides these, eight more statutory Hindu agriculturist B. Ts. and S. A.-Vs. have been recruited into Government service during the period in question.

Statement showing the number of statutory Hindu agriculturists who took the the diplomas of S. A. V. or the degree of the B. T. from the Central Training College in the years 1927—35.

Name of the year.	S. A. V.	B. T.
1927	3	1
1928	3	..
1929	1	1
1930	6	2
1931	5	1
1932	5	..
1933	5	2
1934	6	3
1935	3	3
Total	37	13

APPOINTMENT OF STATUTORY HINDU AGRICULTURISTS IN THE
EDUCATION DEPARTMENT.

***4621. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) whether any statutory Hindu agriculturists have ever been appointed direct to a post in the P. E. S. or in the two highest grades of S. E. S. during the period of 1927 to 1935 ;
- (b) the number of Muslims and Sikhs without foreign qualifications or teaching experience or teaching experience of less than five years who have been appointed direct to the P. E. S. or to a post in the two highest grades of S. E. S. during the period referred to in (a) ?

The Honourable Malik Sir Firoz Khan Noon : (a) One in the P. E.S. (Class II).

- (b) Hindus—Thirty-four.
Muslims—Seven.
Sikhs.—Five.

PARTIES TO GOVERNMENT SERVANTS BY THE PUBLIC
OR SUBORDINATES.

***4622. Lala Chetan Anand :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that Government servants are not allowed to accept parties the expenditure of which is subscribed by public or subordinates, without the permission of head of department ;

- (b) if so, whether a party was given to M. Abdul Rahman, Superintendent, Deputy Commissioner's office, Multan, on the eve of his transfer, which was subscribed by his subordinates;
- (c) whether any permission was obtained for this party;
- (d) if not, whether the Government proposes to take any action in the matter?

The Honourable Nawab Muzaffar Khan : (a) Yes, unless the party is of a substantially private and informal character.

(b) A private party was given at the residence of the head vernacular clerk.

(c) and (d) No.

RAISING OF SUBSCRIPTIONS FROM THE MINISTERIAL ESTABLISHMENT TO PAY OFF THE DEBT OF A PEON.

***4623. Lala Chetan Anand :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that subscription was realised from the ministerial and copying staff of the Deputy Commissioner, Multan, to pay off the debt of one Abdullah, peon;
- (b) whether any complaint was made to the Deputy Commissioner, Multan, regarding this subscription;
- (c) whether it was brought to the notice of the Deputy Commissioner that the subscription was raised under the orders of Superintendent, Deputy Commissioner's office, Multan;
- (d) whether any enquiry was made into the matter;
- (e) if so, what was its result;
- (f) whether the Government proposes to take any action into the matter to put a stop to such practice?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) This was alleged but disapproved.

(d) Yes.

(e) As indicated in (c) above.

(f) Yes, if such practices are proved to occur.

APPEALS AND REVISION PETITIONS AGAINST DEPARTMENTAL PUNISHMENT.

***4624. Lala Chetan Anand :** Will the Honourable Member for Finance please state—

- (a) whether it is a fact that the appeals and revision against departmental punishment made to the Financial Commissioner or the High Court are exempt from court fee;
- (b) whether these appeals or revisions are ordered to be sent through the head of the office to which the appellant belongs;

[Lala Chetan Anand.]

- (c) whether it is a fact that the heads of the departments have to forward these appeals or revisions with all the relevant papers including the order appealed against ;
- (d) whether it is a fact that the appellant has to file a copy of the order appealed against properly stamped ;
- (e) whether it is a fact that the appeals or revisions in other departments such as Irrigation, Education, Medical are not required to be accompanied by a copy of the order appealed against ;
- (f) whether in view of the fact that the appeal and revision is to be sent through the head of the department with all the relevant papers including the order appealed against and also in view of the practice in other departments, Government proposes to do away the filing of a certified copy of the order with the appeal or revision ?

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

(c) The High Court does not as a rule require that relevant papers be forwarded with application for revision ; otherwise the answer to this part of the question is in the affirmative.

(d) The appellant has to file a properly stamped copy of the order in appeals to Financial Commissioners and Commissioners. The High Court require a copy of the order, but do not require it to be stamped.

(e) All departments, except the Education Department, require a copy of the order along with appeals or applications for revision.

(f) Unless a copy of the order under appeal or revision is forwarded, there may be doubt regarding the exact order against which an appeal or application for revision is lodged. For this reason Government regret that they cannot dispense with the requirement of a certified copy.

AUDIT FEES CHARGED BY THE CO-OPERATIVE UNION, JULLUNDUR.

*4625. **Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Agriculture kindly state whether it is a fact that the Central Co-operative Bank, Jullundur, has passed a resolution that the audit fees charged annually by the Co-operative Union from that district are about Rs. 60,000 and the Co-operative Union gives only Rs. 40,000 in return ?

The Honourable Sardar Sir Jogendra Singh : Yes. But the correct figures are --

			Rs.
Total contribution	..	..	52,274
Total expenditure	..	..	44,037

RECRUITMENT TO THE PROVINCIAL VETERINARY SERVICE.

*4626. **Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Agriculture kindly state—

- (a) what is the system of recruitment to the Provincial Veterinary Service, Class II ;

- (b) whether any recruitment has been directly made to the service ; if not, why not ;
- (c) whether there are no candidates with M. B. C. V. S. qualifications waiting for employment ;
- (d) whether Government proposes to consider such candidates for direct recruitment to fill up existing vacancies ?

The Honourable Sardar Sir Jogendra Singh : (a) The system of recruitment is laid down in the Punjab Veterinary Service, Class II Rules, promulgated with Punjab Government Notification No. 1470-D., dated the 16th June 1933.

- (b) Not since the Class II rules were promulgated.
- (c) There are some candidates with M. B. C. V. S. qualification available.
- (d) Yes.

Sardar Sahib Sardar Gurbachan Singh : How long have the vacancies been existing?

The Honourable Sardar Sir Jogendra Singh : There is no permanent vacancy which has not been filled temporarily or otherwise.

Sardar Sahib Sardar Gurbachan Singh : When are you going to fill them ?

The Honourable Sardar Sir Jogendra Singh : Very shortly.

PERCENTAGE OF SIKHS AND THEIR EMOLUMENTS ON THE
CLERICAL ESTABLISHMENT.

***4627. Sardar Sahib Sardar Gurbachan Singh :** (i) Will the Honourable Minister for Agriculture please state the percentage of Sikhs and their emoluments on the clerical establishments in the Punjab in the—

- (a) Agricultural Department ;
- (b) Veterinary Department ;
- (c) Co-operative Department ; and
- (d) Public Works Department, Buildings and Roads Branch ?
- (ii) What steps is it proposed to take to increase their representation ?

The Honourable Sardar Sir Jogendra Singh : (i)—

Department.	Percentage of Sikhs.	Emoluments.		Percentage of emolu- ments.
		Rs. Per mensem.		
Agricultural ..	14.5	1,564	0 0	11.6
Veterinary ..	14.3	458	8 0	10.25
Co-operative ..	15.2	1,880	0 0	12.5
Public Works Department, Buildings and Roads Branch.	8.2	1,986	0 0	6.57

[Hon. Sardar Sir Jogendra Singh.]

(ii) 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 will continue to carry out the requirements of the formula contained in the said statement of policy.

Sardar Sahib Sardar Gurbachan Singh : Does the Honourable Minister consider 8 per cent. and 6 per cent. as showing that he has been following the policy laid down by the Honourable Finance Member?

The Honourable Sardar Sir Jogendra Singh : Recruitment has been very slow and as now recruitment takes place the deficiency will be made up.

RAILWAY BONDS.

***4628. Sardar Sahib Sardar Gurbachan Singh :** (i) Will the Honourable Revenue Member please state if the answer to question No. *4245¹ is now ready ?

(ii) If the answer to (i) be—

(a) in the negative, what is the reason for delay ;

(b) in the affirmative, it may kindly be read ?

The Honourable Nawab Muzaffar Khan : (i) Yes.

(ii) (a) Does not arise.

(b) Read.

SENIOR VERNACULAR TRAINING.

***4629. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

(a) whether the courses of studies for Senior Vernacular (one year) and Senior Vernacular (two years) are different ;

(b) whether there is any difference between the certificates awarded to the candidates of the said examination ;

(c) whether the certificates awarded to Senior Vernacular (one year) before 1922 empowered them to teach the high classes ;

(d) whether there have been cases who were already Senior Vernacular (one year trained) but joined the training classes of Senior Vernacular (two years) ;

(e) if the reply to (d) is in the affirmative, whether these candidates were awarded such certificates as did not allow them to teach the high classes ;

(f) if so, why their previous right to teach the high classes was withdrawn ?

The Honourable Malik Sir Firoz Khan Noon : (a) The Senior-Vernacular (one year) course ceased to exist since 1931.

(b) Does not arise.

(c) Yes.

(d) Yes.

¹See Appendix to Volume XXVI, page 465.

(e) Yes. They, however, continued to be considered as entitled to teach in the high classes by virtue of the old certificates possessed by them, provided their work was satisfactory.

(f) Does not arise.

RESULTS OF THE MIDDLE SCHOOL EXAMINATION FOR GIRLS.

*4630. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Education please state—

- (a) when the last middle school examination for girls was held by the Education Department ;
- (b) when the result of the said examination was declared ;
- (c) what circumstances, if any, were responsible for the publication of the result being delayed for over three months ;
- (d) whether the Education Department requires the recognised schools for girls to have the promotion of their girl students for the 8th class into the 9th class on the result of this examination, if so, on what authority ;
- (e) whether the recognised schools for boys are not free to hold their own promotion examinations for the 8th class ;
- (f) the reasons for adopting a different rule in the case of girl students ;
- (g) what provision is made by the recognised schools for the teaching of girls who have appeared for the 8th class examination ;
- (h) whether the matriculation course commences on the 1st April ;
- (i) whether he proposes to consider the advisability of the Education Department publishing the result before the 1st April each year ?

The Honourable Malik Sir Firoz Khan Noon : : (a) The middle standard examination for Indian girls was held on the 8th to 19th March, 1985.

(b) The result was announced on the 8th June, 1985.

(c) There has been no delay in the publication of the result ; for it is ordinarily published in the first week of June.

(d) It has hitherto been the general practice, but the Department are reconsidering the matter in view of the fact that the promotions in the boys' schools from 8th to 9th class are made by the head masters.

(e) Yes, except vernacular middle schools which must send up their boys for the vernacular final examination.

(f) There are advantages in having a uniform standard for promotions from 8th to 9th class, but as suggested above in (d) the Department are reconsidering the matter.

(g) The general practice is to admit them to IX class provisionally.

(h) Yes.

[Hon. Malik Sir Firoz Khan Noon.]

(i) The Department will consider the honourable member's suggestion, though it appears to be difficult to publish the results before 1st April each year.

BUILDING FOR THE GOVERNMENT GIRLS' HIGH SCHOOL,
AMBALA CITY.

***4631. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the authorities are going to take on lease one *kotli* in Ambala city for the Government Girls' High School on Rs. 200 per mensem ;
- (b) whether it is a fact that the rental value of this building shown in the Municipal Committee registers is only Rs. 20 per mensem and house tax has been assessed up to this time at this rate ;
- (c) which of the officers of the Government is negotiating the terms of the lease with the owner ;
- (d) whether he proposes to make an enquiry as to the reasonable rental value of this house and to pay only that rent ?

The Honourable Malik Sir Firoz Khan Noon : (a) The question of renting another house for the school on Rs. 150 per mensem is under consideration.

- (b) No.
- (c) Inspectress of Schools, Eastern Circle, Ambala.
- (d) Yes.

JAGIRDARS AND ASSIGNEES OF LAND REVENUE.

***4632. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- (a) the total number of jagirdars and assignees of land revenue separately in each district of the Punjab, communitywise ;
- (b) the total amount paid as jagir in each district annually and the amount received by jagirdars of each community ;
- (c) the total amount of land revenue assigned in each district in favour of jagirdars and the amount of land revenue assigned to each district ;
- (d) the names of the biggest and smallest jagirdars in each district and the amounts they receive ?

The Honourable Nawab Muzaffar Khan : (a), (b) and (d) The information is not readily available and the time and labour involved in obtaining it would not be commensurate with the results achieved.

(e) A statement showing the total land revenue assigned in each district is placed on the table. No fixed amount is allotted to each district for *jagirs*.

Statement.

<i>Name of district.</i>	<i>Total land revenue assigned.</i>
	Rs.
Hissar	54,023
Rohtak	35,994
Gurgaon	63,249
Karnal	3,27,320
Ambala	6,36,918
Simla	1,544
Kangra	2,35,568
Hoshiarpur	1,30,568
Jullundur	1,24,616
Ludhiana	2,76,919
Ferozepore	2,89,177
Lahore	1,09,881
Amritsar	2,17,492
Gurdaspur	1,11,192
Sialkot	63,236
Gujranwala	1,43,212
Sheikhupura	1,26,028
Gujrat	72,274
Shahpur	62,883
Jhelum	39,016
Rawalpindi	39,109
Attock	62,168
Mianwali	31,944
Montgomery	51,804
Lyalpur	22,855
Jhang	30,609
Multan	48,212
Muzaffargarh	19,743
Dera Ghazi Khan	1,83,640
Total	36,11,194

THE PUNJAB RELIEF OF INDEBTEDNESS ACT AND WARRANTS OF ARREST.

***4633. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) how many warrants of arrest issued by the civil court in each of the districts of the Punjab were cancelled or withdrawn on the coming of the Punjab Relief of Indebtedness Act into force ;
- (b) whether the process fees paid by the decree-holders for the issue of those arrest warrants have been refunded to any decree-holder ; if not, what steps Government proposes to take to refund the process fees paid in court by the decree-holders ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

RETRENCHMENT OF BAILIFFS.

***4634. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state how many bailiffs have been retrenched in the Punjab on account of the provisions of civil arrests being deleted ?

The Honourable Mr. D. J. Boyd : None.

DECRETAL MONEY DUE ON ACCOUNT OF SIMPLE MONEY DECREES.

***4635. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) the amount of decretal money due on account of simple money decrees at the end of each year during the last five years ;
 (b) the money realized through court at the end of each year during the above period ?

The Honourable Mr. D. J. Boyd : (a) and (b) A statement is laid on the table showing the total amount realised through the courts in execution from 1929 to 1933 and the percentage these realisations bear to the decrees outstanding. These figures are for all classes of civil suits. No separate statistics are maintained for simple money suits.

Statement.

Year.					Amount.	Percentage.
1929	..	..	..	..	Rs. 1,80,08,324	27
1930	..	..	..	..	1,95,58,896	30
1931	..	..	..	..	1,85,33,810	25
1932	..	..	..	..	1,79,72,134	24
1933	..	..	..	..	1,82,13,942	24

BUILDING FOR THE GOVERNMENT GIRLS' HIGH SCHOOL, AMBALA.

***4636. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the Government Girls' High School, Ambala, is located in a rented building ;
 (b) if so, what is the annual rent ;
 (c) what was the rent of the *kothi* before it was taken over by the Government for the school ;
 (d) which of the officers of the Department negotiated the lease contract with the owner ;
 (e) whether he proposes to make an enquiry as to whether the rent paid is excessive ?

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

- (b) Rs. 1,200.
 (c) Exact information is not available.
 (d) Inspectress of Schools, Eastern Circle, Ambala.
 (e) The Executive Engineer, Public Works Department, Buildings and Roads Branch has certified that the amount of rent being paid for the building is reasonable.

INTERNMENT OF KARTAR SINGH UNDER THE CRIMINAL LAW
AMENDMENT ACT.

***4637. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that one Kartar Singh of Montgomery has been ordered to be confined and interned under section 3, Criminal Law Amendment Act, since the 24th November, 1933 ;
- (b) if so, whether his case has been ever reconsidered by the Government for withdrawal of these orders ;
- (c) if so, when ;
- (d) whether the same gentleman has ever represented to the Government that he has never done any act of violence or associated himself with the subversive activities of the terrorists ; if so, whether he will lay copies of the memorials and petitions on the table of the House ;
- (e) whether it is a fact that the same internee Kartar Singh has extensive business of money-lending spread throughout the district and on account of his internment orders he cannot make any regular attempt to realize his dues from his debtors ;
- (f) whether the Government intends to reconsider his case ;
- (g) whether the Government is prepared to withdraw these internment orders on any condition ; if so, what ?

The Honourable Mr. D. J. Boyd : (a) Kartar Singh was served with an order under section 3 of the Punjab Criminal Law (Amendment) Act, 1932, on the 24th November, 1933, not to go outside the limits of the revenue area of Okara without the permission of the District Magistrate of Montgomery.

(b) Yes.

(c) December 1933 ; January, May, June, July and August 1934 ; and January and May 1935.

(d) Five such representations have been received. Copies of the representations are laid on the table.

(e) Government have no information about the details of Kartar Singh's business.

(f) Not at present.

(g) The order will be withdrawn when Government are satisfied that the reasons leading to its imposition are no longer valid.

To

The Chief Secretary to Government, Punjab, Lahore.

SIR,

I most humbly and respectfully beg to lay before you the following for your consideration :—

- (1) A restraint order restraining me to the "revenue" area of Okara was served on me on November 24th. I have not been able to understand the exact meaning of the term "revenue area." I request you to define for me the limits of the "revenue area" Okara.
- (2) I have to realise about a lakh of rupees from people in Montgomery, Hoshiarpur and other districts. This sudden restraint order has restrained me from realising the debts, and so has adversely effected my business interests. Therefore

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

I request you to revise your orders and thus save me from incurring unnecessary loss.

- (3) I am at a loss to understand why I, a strict follower of Mahatma Gandhi and a believer in non-violence and moreover after release having done nothing to further acts of any unlawful association, am served with a restraint order which has done an incalculable harm to my business interests.

I hope these points will be favourably considered and restraint order will be withdrawn.

I beg to remain,

SIR,

Your most obedient servant,

KARTAR SINGH,

Okara Mandi.

Copy forwarded to the Superintendent of Police, Montgomery.

7th December 1933.

To

The Chief Secretary to Government, Punjab, Lahore.

SIR,

I RESPECTFULLY beg to lay the following few lines for your kind perusal:—

- (1) A restraint order was served on me on 24th November, 1933, restraining me within Okara Municipal limits. I applied to the Deputy Commissioner, Montgomery, to allow me to attend civil court at Delhi in connection with a civil suit but the Deputy Commissioner did not allow me to attend the same.
- (2) At another time my father was ill in Chak No. 55/4-R, a village in the Montgomery Tahsil of the same district and I applied to the Deputy Commissioner to allow me to visit my father in Chak No. 55/4-R, but he refused me to see my father.
- (3) All this means that in spite of my obeying restraint order Government wants to put me in Jail and is simply waiting the opportunity.
- (4) As I have been restrained within Okara limits so I cannot attend my business which lies in the whole of Montgomery district, hence other share-holders of the firm have refused to continue my share, under the above circumstances myself and my family are simply starving in Okara.
- (5) A fine of Rs. 200 was realised from me last year when I was in Jail but the same was refunded to me by the order of the Punjab High Court, my relatives tried to get the refund but the court refused to refund the sum of Rs. 200 and ordered that I should get the refund myself personally, but the Deputy Commissioner refused even to allow me to get the refund.
- (6) The meaning of Government by restraining me is to cut off my political activities and not to starve me and so I hope you will very kindly make arrangements for me and my family's maintenance and also allow me to attend my business which is in the whole of Montgomery district.

Yours obediently,

KARTAR SINGH,

Okara Mandi.

Dated 5th January, 1934.

To

The Chief Secretary to Government, Punjab, Lahore.

SIR,

I RESPECTFULLY beg to lay the following few lines for your kind perusal, that I have been interned in Okara Municipal limits from 24-11-33, which means nearly six months, and as the firm of which I am a share-holder has got business in the whole of the Punjab, so my business is suffering. Hence during these six months I have to suffer a great financial loss. As I have been obliged to live within nearly an area of half a mile so it has got a bad effect on my health. Our firm has given nearly a lakh of rupees in the shape of debts, which we cannot get back unless I am allowed to visit all the different points in consideration. I hope you will be very kind to take back the internment order and allow me to conduct my business freely and recoup my health.

Thanking you in anticipation,

Yours obediently,

KARTAR SINGH,

Okara.

To
The Superintendent, Criminal Investigation Department, Political, Punjab,
Lahore.

SIR,

WITH reference to your letter No. 6 (10)/11-S.B., dated 22nd-23rd November 1934, I have the honour to submit most respectfully the following few lines for your due and sympathetic consideration :—

That your honour has asked me to reproduce in writing my contents of interview but I may submit that all the facts required to prove my allegations mentioned below can be fully discussed on personal interview and not through correspondence.

I am aware that the information carried to you regarding my political activities is much misrepresented. By studying that in true light thoroughly I am sure you will be convinced of the fact that I am a mere non-violent Congressman and not a revolutionary and as such the internment orders should have been cancelled and never imposed.

I pray for an interview for no other reason but to discuss with you and to clear up your doubts regarding my reality in the political movement. You will be fully convinced that the previous diaries have given a clearly wrong notion of my views.

Since you are well-known to be a judicious officer I have, therefore, ventured to lay before you the whole thing with a view to arrive at the truth and not to waste Government time and money in watching my movements and doing other necessary things from a revolutionary point of view.

I am sure you will thoroughly read the diaries submitted against me with a judicious and unbiassed mind to find that I am an ordinary non-violent Congressman and if needed you can grant me an interview wherein my position can be fully proved to your honour's satisfaction as such.

I beg to remain,

SIR,

Your most obedient servant,

KARTAR SINGH.

N.B.—It was only in an answer to a question put in the Punjab Legislative Council Honourable Mr. Boyd, Finance Member, replied that the persons who are interned are regarded as dangerous revolutionaries and that I have come to know only since then that I am interned simply because I am regarded as a dangerous revolutionary. I therefore, have thought it my duty to clear this misunderstanding and it is, therefore, that I have been praying for an interview.

Dated 28th November 1934.

KARTAR SINGH AND COMPANY.

To
The Finance Member to the Government, Punjab, Lahore.

Respected Sir,

The following few lines are respectfully submitted for your kind perusal and immediate favourable action ;—

That in reply to certain questions of Chaudhri Afzal Haq, M.L.C., in the Council Session some months back, your honour remarked that the persons who have been interned are closely and deeply connected with the revolutionary parties. On reading this remark in the newspaper I submitted an application to the Superintendent, Criminal Investigation Department, praying for an interview so that I might clear my position. Therein I definitely alleged that I am in no way directly or indirectly connected with any such body but it was rejected.

Now once again I venture to submit to your honour that since I am not connected with any revolutionary body I take it my duty to clear these misunderstandings and that can be done only by granting me an interview wherein the matter can be discussed at length. If no interview is granted then the other alternative is to charge me with some such case and put my case before two Sessions Judges as tribunal so that I may have a chance to rebut it and clear my position.

Soliciting an early reply,

I beg to remain,

SIR,

Your most obedient servant,

KARTAR SINGH,

Okara Mandi.

Dated 9th May, 1935.

INDUSTRIAL LOAN TO MANUFACTURERS.

***4638. Khwaja Muhammad Eusooif :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the Government have granted loan to firms carrying on industries at Lahore, Amritsar, Jullundur, Ludhiana and Khanna ;
- (b) if the reply is in the affirmative, whether he will be pleased to supply the following information :—
 - (i) the names and addresses of such firms,
 - (ii) the amount of loan granted to such firms individually,
 - (iii) at what security such loans have been granted,
 - (iv) on what terms and at what rate of interest ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes, except at Khanna.

- (b) (i) Government do not consider it to be in the public interest to supply the names and addresses of borrowers.
- (ii) From Rs. 1,000 to Rs. 25,000 generally about Rs. 5,000.
- (iii) Land, houses or machinery.
- (iv) The loans are generally repayable over a period of 5 years with interest varying from $4\frac{1}{2}$ to $7\frac{1}{2}$ per cent.

THE PUNJAB RELIEF OF INDEBTEDNESS ACT AND WARRANTS
OF ARREST.

***4639. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Member for Finance please state—

- (a) the number of cases pending in the civil courts of the Lahore division in which judgment-debtors have been arrested in execution of decrees after the enforcement of the Punjab Relief of Indebtedness Act ;
- (b) the number of cases in which notices of arrest were issued ;
- (c) the number of cases in which these notices were personally served ;
- (d) the number of cases in which mere affidavits of the decree-holders were considered sufficient proof for holding that the judgment-debtor was avoiding "contumaciously" the payment of debt ;
- (e) the number of cases in which warrants of arrest issued before the enforcement of the Act were cancelled under the provisions of the Act ;
- (f) the number of cases in which the judgment-debtors have been arrested for a decretal amount not exceeding Rs. 200 ;
- (g) the number of arrests made at the instance of the Co-operative Department and the decretal amount in each case ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table containing the information required up to the 30th June, 1935. More up-to-date information is being collected and will be supplied to the honourable member later.

					<i>Statement.</i>			
(a)	..	..	..	..	55			
(b)	..	..	..	..	1,893			
(c)	..	..	..	..	454			
(d)	..	..	..	..	16			
(e)	..	..	..	..	342			
(f)	..	..	..	..	96			
							Rs. A. P.	
(g)	..	..	..	..	6 and	(1)	187	1 0
						(2)	1,397	8 0
						(3)	153	8 0
						(4)	741	11 8
						(5)	117	15 9
						(6)	526	8 6

HONORARY CIVIL JUDGES AND THE WITHDRAWAL OF THEIR
CASES BY THE DISTRICT JUDGE.

***4640. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Member for Finance please state—

- (a) the number of honorary Civil Judges in the province specifying their powers ;
- (b) if ever the civil cases on the file of any of them were withdrawn by the District Judge ?
- (c) if so, from whose file and by which District Judge ;
- (d) the reasons for such withdrawal ;
- (e) if the cases were again restored to their files ;
- (f) the reasons for such restoration with the persons passing the orders of restoration ?

The Honourable Mr. D. J. Boyd : (a) A list of the honorary Subordinate Judges working in the province is published in Part II of the half-yearly Civil List, to which the honourable member is invited to refer.

(b) to (f) If the honourable member will kindly specify the particular courts which he has in mind I will make enquiries.

HONORARY MAGISTRATES AND THANAS UNDER THEIR CHARGE.

***4641. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Finance Member please state—

- (a) the number of 1st class honorary magistrates in the Lahore division ;
- (b) the names of thanas under their charge ;
- (c) if any one of them has ever been doing cases of the thana in which his actual place of residence is situated or in which he owns landed property ;
- (d) if so, the reasons for such allotment of work in each case ?

The Honourable Mr. D. J. Boyd : (a)—

Lahore	..	..	..	2
Amritsar	..	..	..	3
Gurdaspur	..	..	..	1
Sialkot	..	..	..	..
Gujranwala	..	..	..	1
Sheikhupura	..	..	..	..
Total				7

(b), (c) and (d) The three first class honorary magistrates in the Amritsar district hold charge of police stations as follows :—

Rai Sahib Lala Diwan Chand	..	..	Kathu Nangal.
The Honourable Sardar Buta Singh	..	..	Jandiala.
Honorary Lieutenant Sardar Raghbir Singh	..	..	Ajnala.
Sandhanwalia, O.B.E., M.L.C.			

Sardar Raghbir Singh owns land and resides in the area of the police station of which he holds magisterial charge. The other two have no such connection with their ilaqas. Government do not think that any special reasons need be given to justify the allotment of the Ajnala work to Sardar Raghbir Singh.

In none of the other districts of the division have honorary magistrates been placed in charge of police station areas.

ASSISTANT JAILORS.

***4642. Sayad Mubarak Ali Shah :** Will the Honourable Member for Finance please state—

- (a) the number of assistant jailors in this province ;
- (b) their number communitywise :
- (c) the number of statutory agriculturists among them ;
- (d) the number of assistant jailors from Jhang district ;
- (e) the number of Muslim statutory agriculturists in this cadre from Jhang district ?

The Honourable Mr. D. J. Boyd : Presumably the honourable member refers to the cadre of assistant superintendents that has now replaced the old class of assistant jailors. If so, the reply is as follows :—

- (a) Ninety-two.
- (b) Hindus—Forty.
Muslims—Twenty-nine.
Sikhs—Twenty-two.
Others—One.
- (c) Thirty.
- (d) Three.
- (e) None.

**BOARDING HOUSE OF GOVERNMENT HIGH SCHOOL FOR GIRLS,
AMBALA.**

***4643. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Boarding House of Government High School for Girls at Ambala is located in a Government building that was originally meant for the office of the Divisional Inspector of Schools, Ambala ;
- (b) whether he is aware that the said building is in a very close proximity of the Khalsa High School Boarding House ;
- (c) whether he is aware that the girls living in the above-mentioned hostel have to pass a railway level crossing gate when going to and coming from their school and in so doing they not only run the risk of being run over by railway trains but have also very often to keep standing for considerable time at the railway crossing gate ;
- (d) whether he is aware that the girls living in the aforesaid hostel have, while going to and coming from their school, to pass by the same road that leads from the city to the district courts and that particularly in winter season, when the times for opening and closing the girls' school and the courts almost coincide, the young girls and teachers have to encounter on the road a large crowd of people coming to or going from the offices and courts ;
- (e) whether it is a fact that in both summer and winter the timings for the opening and the closing of the girls' and boys' schools being almost coincident the young girls and teachers living in the said hostel have to walk along the same road for more than a quarter mile side by side with the grown up boarders of the Khalsa Boys' High School while going to or coming from their schools ;
- (f) whether it is proposed to remove the girls' school hostel to some more suitable site ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to my answer to question No. * 4590.¹

LAND BELONGING TO HER MUHDAHALIYAN IN ROHTAK.

***4644. Rao Bahadur Chaudhri Chhotu Ram :** With reference to question No. 4128² and the answer thereto will the Honourable Member for Revenue kindly state—

- (a) the area of the land which forms the site of public buildings and compounds attached thereto ;
- (b) the amount of land revenue which would be due on this land if it were assessed ;

[R. B. Ch. Chhotu Ram.]

- (c) the year in which the land was taken over ;
- (d) whether the land was assessed to land revenue when it was taken over by Government ;
- (e) the year in which and the authority under which this land ceased to be liable to pay land revenue ;
- (f) who paid the land revenue assessed on this land during the period between the years referred to in (c) and (e) ;
- (g) whether Government is prepared to pay a reasonable compensation for this land and acquire ownership or a reasonable rent to the owners ; and if not, why not ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

PROGRESSIVE ASSESSMENT.

***4645. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) the years in which effect was given to progressive assessment in the district of Rohtak ;
- (b) whether these years were particularly prosperous years ;
- (c) whether relief was ever given in the Rohtak district by the postponement of progressive assessment on any ground, and if so, what was the extent of this relief ;
- (d) whether it is a fact that effect was given to progressive assessment even in the flood year in all the assessment circles where it fell due according to the normal time table ?

The Honourable Nawab Muzaffar Khan : (a) 1914-15 and 1919-20.

(b) Yes. In this respect attention of the honourable member is invited to paragraphs 495 to 499 of the Settlement Manual.

(c) No.

(d) No.

SILVER JUBILEE FUND.

***4646. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the amount which has been contributed to the Silver Jubilee Fund in every district in the Punjab ?

Mr. F. H. Puckle (Chief Secretary) : Strictly speaking Government are not officially concerned with the collections in aid of the Silver Jubilee Fund, but as the information which the honourable member requires is available to Government, a statement is laid on the table. Government does not vouch for the absolute correctness of the figures.

THEIR MAJESTIES' SILVER JUBILEE FUND.

(Punjab Branch.)

Statement showing the subscriptions made by districts.

Name of district.					Rs.	A.	P.
1.	Gurgaon..	..	..	..	58,783	5	0
2.	Rohtak ..	..	..	..	46,657	4	0
3.	Karnal ..	..	..	..	54,826	15	0
4.	Hissar ..	..	..	..	1,03,012	12	0
5.	Ambala ..	..	..	..	56,064	2	0
6.	Simla ..	..	..	..	32,783	7	0
7.	Kangra ..	..	..	..	41,285	2	3
8.	Hoshiarpur	..	..	..	42,887	5	0
9.	Jullundur	..	..	..	50,648	15	9
10.	Ludhiana	..	..	..	29,708	12	6
11.	Ferozepore	..	..	..	79,761	10	0
12.	Amritsar	..	..	..	1,79,195	10	6
13.	Gurdaspur	..	..	..	55,517	10	3
14.	Sialkot ..	..	..	..	45,161	7	3
15.	Gujranwala	..	..	..	53,060	9	0
16.	Sheikhupura	..	..	..	26,601	12	6
17.	Lahore ..	..	..	..	1,24,339	6	10
18.	Rawalpindi	..	..	..	36,695	12	9
19.	Gujrat ..	..	..	..	61,350	4	6
20.	Shahpur	..	..	..	43,699	8	9
21.	Attock ..	..	..	..	15,791	13	0
22.	Mianwali	..	..	..	12,299	4	3
23.	Jhelum ..	..	..	..	16,177	3	10
24.	Montgomery	..	..	..	80,887	12	6
25.	Lyalpur	..	..	..	48,455	8	6
26.	Jhang ..	..	..	..	19,543	3	0
27.	Multan ..	..	..	..	69,326	6	6
28.	Muzaffargarh	..	..	..	10,849	0	9
29.	Dera Ghazi Khan	..	..	..	12,358	15	0
30.	States under the political control of the Commissioner, Ambala Division ..	..	..	..	9,000	0	0
Total					15,16,731	2	5

UNSTARRED QUESTIONS AND ANSWERS.

SECRETARY, MUNICIPAL COMMITTEE, DALHOUSIE.

1185. Mr. E. Mayadas : With reference to unstarred question No. 1118¹ of 25th March, 1935, will the Honourable Minister for Local Self-Government be pleased to state if among the applicants was one who held the degree of Civil Engineering from Thomason College, Roorkee ?

The Honourable Dr. Sir Gokul Chand Narang : Yes.

BIKANER CANAL AND SALTPETRE.

1186. Mr. E. Mayadas : With reference to answer to unstarred question No. 1114¹ of 25th March, 1935, will the Honourable Revenue Member be pleased to state whether any complaints have reached the Revenue or Irrigation Department of the area concerned that fresh patches of saltpetre have appeared along the Bikaner canal and are gradually increasing ?

The Honourable Nawab Muzaffar Khan : The reply is in the negative.

BIKANER CANAL AND SALTPETRE.

1187. Mr. E. Mayadas : With reference to answer to unstarred question No. 1114¹ of the 25th March, 1935, will the Honourable Revenue Member be pleased to state—

- (a) whether patwaris or other employees are required to report when fresh patches of saltpetre make appearance ;
- (b) if the answer to (a) be in the negative, whether it is the intention of Government to order patwaris or some other suitable agency to report when fresh patches of saltpetre make appearance in any locality, if not, why not ?

The Honourable Nawab Muzaffar Khan :—

(a) and (b) Each year Superintending Engineer sends in an annual report on waterlogging in general. Saltpetre often appears in the winter and disappears in the summer. The reports of such employees as patwaris, on the appearance of saltpetre, is likely to cause confusion, as they are not in a position to know whether any particular appearance is new and additional or merely a repetition of similar appearances in past years.

Hence Government does not propose to change the present procedure re reports on waterlogging and its attendant evils.

ELECTRIC CURRENT TO CANAL COLONY, FEROEZPORE.

1188. Mr. E. Mayadas : With reference to answer to unstarred question No. 1116² of 25th March, 1935, will the Honourable Revenue Member be pleased to state—

- (a) whether in rural area adjoining the Canal Colony, Ferozepore, there is a demand for hydro-electric current ;
- (b) if so, whether Government intends meeting the demand, if so, when and from what direction the cable will be brought ;
- (c) whether the Canal Colony authorities are in a position to make available some current in their neighbourhood for rural consumers ?

The Honourable Dr. Sir Gokul Chand Narang : (a) So far applications have been received for supply amounting to only 4 kw.

(b) Not until the demand has increased sufficiently to justify an extension of the Electricity Branch's distribution system at Ferozepore.

(c) No.

¹ Vol. XXVI, page 782.

² Vol. XXVI, page 783.

BOOTAWALA CANAL.

1189. Mr. E. Mayadas : With reference to answer to unstarred question No. 1121¹ of 25th March, 1935, will the Hon'ble Member for Revenue be pleased to state if since then the matter has been enquired into further, if so, with what result ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready. It will be supplied to the honourable member when ready.

EXPENDITURE ON TEMPERANCE.

1190. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state whether it is proposed to spend up to Rs. 5,000 for temperance purposes during the present year, if so, whether any proposals have been worked out for the expenditure, if so, whether he will lay a copy of these proposals on the table ?

The Honourable Sardar Sir Jogendra Singh : It is regretted that no funds are available during the current financial year, but a request has been made for the provision of Rs. 5,000 in the budget for the year 1936-37, through the Schedule of New Expenditure.

PATWARIS.

1191. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) the total number of patwaris employed by the Punjab Government ;
- (b) how many of them are Entrance passed ;
- (c) how many F. A. passed ; and
- (d) how many B. A. passed ?

The Honourable Nawab Muzaffar Khan : (a) 8,898.

(b), (c) and (d) The information is not readily available and no useful purpose will be served by collecting it.

PATWARIS.

1192. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) the usual retiring age for patwaris ;
- (b) whether there are many patwaris over the age of 55, and whether there are any amongst them who are Entrance passed ;
- (c) whether it is a fact that there is much unemployment among Entrance passed men ;
- (d) whether Government is considering the question of retiring such patwaris as have attained the age of 55 years, if so, whether Government intends employing Entrance passed candidates in their place ?

The Honourable Nawab Muzaffar Khan : (a) No retiring age has been fixed for patwaris.

(b) The information required is not readily available and no useful purpose will be served by collecting it.

(c) Yes.

(d) No.

Uzardaris AGAINST GREY CANAL *parchees*.

1193. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

(a) the number of *uzardaris* against Grey Canal *parchees*, by tahsils in Ferozepore district for season 1934 ;

(b) how many of these were enquired into before the canals commenced running in 1935, and by what official the enquiry was made ;

(c) whether it is necessary for any particular official to make such inquiry, if so, what is his status ;

(d) whether it is a fact that some of the *uzardaris* were not enquired into, if so, what is their number by tahsils ;

(e) if answer to (d) be in the affirmative, what action Government intend taking to grant necessary relief ?

The Honourable Nawab Muzaffar Khan : (a) Five hundred and sixty-five as detailed below :—

(i) Ferozepore tahsil	..	..	106
(ii) Zira tahsil	..	..	242
(iii) Moga tahsil	..	..	217
Total			565

(b) All were attended to before the canals commenced to flow for the current season. Some by the Superintendent, Grey Canals, and the others by the tahsildars and naib-tahsildars of the ilaqa concerned.

(c) Officials below the rank of tahsildars and naib-tahsildars are not allowed to decide cases regarding " Uzardaris."

(d) Does not arise in view of the reply given to (b) above.

(e) Does not arise.

BOOTAWAH GREY CANAL.

1194. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

(a) on what date the Bootawah Grey Canal ceased running during 1934 ;

(b) whether it is a fact that this canal ceased running prematurely ;

(c) whether it is a fact that this canal had ceased running before the time when water is turned on for rabi " raoni " ;

- (d) whether it is a fact that when canal water is not available the cultivators carry out the necessary rabi raoni by means of wells where wells exist ;
- (e) whether it is a fact that even so in many areas where canal water failed prematurely, wells existed, and rabi was sown, it has been presumed that raoni was done by canal water, and charges are being demanded ;
- (f) whether he will lay a statement on the table showing in the case of Bootawah canal -
- (1) the names of villages where wells exist,
 - (2) the names of villages where canal charges for rabi raoni are being demanded, as well as the amount demanded,
 - (3) how many of these villages had made *uzardari* and how many had been enquired into and how many not ?

The Honourable Nawab Muzaffar Khan : (a) On the 9th September, 1934.

(b) It generally flows till the third week of September, but during the year in question it ceased to flow somewhat earlier.

(c) No.

(d) Yes.

(e) In certain villages wells exist but rabi raoni done by means of wells only was neither taken into account as canal irrigation nor were canal dues demanded, except in the case where there was mixed irrigation by canal as well as by wells.

(f) (1) A statement is laid on the table.

(2) The amount demanded is given in the statement (column 3).

(3) Records show that *uzardaris* were received from four villages and all were attended to.

No.	Name of village.	Amount demanded for rabi.	Number of Uzardaris made.	Number of Uzardaris enquired into.	Number of Uzardaris not enquired into.
		Rs. A. P.			
1	Ghulamwala	7 11 0	..	..	..
2	Arifke	0 15 0	..	..	..
3	Bagewala	0 6 0	..	..	..
4	Nizamwala	6 6 0	..	..	..
5	Katora	17 7 0	..	..	..
6	Tega Singhwala	7 2 0	..	..	..
7	Jiwa Bhedi	20 7 0	..	..	..
8	Hasteke	86 1 0	..	..	..
9	Lakha Bubna	1 2 0	..	..	..
10	Usman Rindhawa	1 8 0	..	..	..

[Hon. Nawab Muzaffar Khan.]

No.	Name of village.	Amount demanded for rabi.	Number of Uzardaris made.	Number of Uzardaris enquired into.	Number of Uzardaris not enquired into.
		Rs. A. P.			
11	Attari	30 0 0	..	..	..
12	Langiana	23 13 0	..	..	..
13	Qutbewala	6 1 6	..	..	..
14	Saideke	0 9 0	..	..	..
15	Khai	16 15 0	..	..	..
16	Ghiniwala	47 1 0	..	..	..
17	Norangke Leli	36 13 6	2	2	..
18	Piranwala	36 15 0	..	..	..
19	Khilchi Qadim	31 12 6	..	..	..
20	Khilchi Jadid	56 13 0	1	1	..
21	Kahan Chandwala	83 1 0	..	..	..
22	Haji Chhinba	9 3 0	..	..	..
23	Luthar	18 15 0	..	..	..
24	Hasteke	103 2 0	..	..	..
25	Karyan	57 3 0	..	..	..
26	Kailuwala	44 7 0	..	..	..
27	Suba Qadim	58 11 0	..	..	..
28	Suba Jadid	8 7 0	..	..	..
29	Gokhiwala	17 1 0	..	..	..
30	Madhre	10 2 0	..	..	..
31	Bhadru	0 9 0	..	..	..
32	Sodhiwala	2 7 0	..	..	..
33	Baghwanpura	45 1 6	..	..	..
34	Bahadarwala	21 0 0	..	..	..
35	Ferozepore City	39 6 0	1	1	..
36	Mullanwala	131 15 0	3	3	..
	Total	1,086 9 0	..	..	..

NOTES.—(1) With the exception of No. 10 wells exist in all the other villages.

(2) The amount demanded is given in the statement.

(3) Records show that Uzardaris were received in four villages and all were attended to.

PAPERS LAID ON THE TABLE.

USE OF HYDRO-ELECTRIC ENERGY FOR AGRICULTURAL PURPOSES.

Secretary : Report as required in Mr. Mayadas' resolution passed by the Legislative Council on the 25th of March, 1935, regarding the use of Hydro-Electric energy for agricultural purposes is laid upon the table.

Proceedings of the Punjab Government (Ministry of Local Self-Government).

On the 25th of March, 1935, Government accepted the following resolution moved by Mr. E. Mayadas, in the Punjab Legislative Council :—

Volume XXVI,
pages 819-20,

This Council recommends to the Government that with a view to making hydro-electric current more accessible for agricultural purposes the Government may examine and report to the Council the possibility of—

- (a) tapping cables by transformers necessary charges being levied from persons concerned either in lump sum or by instalments,
- (b) pumps and motors being supplied for lifting water, necessary charges being levied from persons concerned either in lump sum or by instalments.

A project estimate has been prepared with a view to carrying out an experiment with tube-well pumping in the neighbourhood of Qadian. Unless and until this experiment is undertaken, Government will not be in a position to decide whether tube-well pumping by electric lift should be developed extensively in the Punjab and, if so, exactly what lines that development should follow. It is first necessary to gain experience both on the administrative and on the financial side.

2. But it appears that the mover of this resolution did not contemplate the institution of pumping by tube-wells by Government agency over large areas. He appears more to have had in mind the position of one or more well owners who find electric supply lines from which they can at present derive no benefit passing in the neighbourhood of their holdings. The following remarks are communicated for the information of such persons.

3. No line operating on a higher pressure than 11,000 volts can be economically tapped for the benefit of well owners. Moreover, speaking generally, it does not pay to tap an existing 11,000 volt line for supplying a single well unless at least a load of 12 kilowatts is available at the well and for every mile of additional line required an additional 10 kilowatts of load is necessary to make the extension a commercial success.

4. The standard voltage for power supplied is 400 volts. Wherever a load sufficient to guarantee commercial success, as defined above, is available, Government would be prepared to install the necessary transformer station. Transformers suitable for supplying energy to tube-wells from 11,000 volt mains cost from Rs. 500 to Rs. 700 each, and the total cost of a transformer station suitable for this purpose including the transformer itself is about Rs. 1,400 to Rs. 1,500. Power, however, would in the circumstances under consideration be supplied at the relevant industrial tariff and the entire cost of the transformer station would be borne by Government.

5. The following particulars regarding cost of horizontal spindle pumps with built-on A. C. motors wound for 3 phase, 400 volt 50 cycle supply have been supplied by Messrs. The Associated Electrical Industries (India), Ltd., from their current catalogue :—

Head in feet	..	..	20'	20'	20'	20'
			to	to	to	to
			45'	60'	60'	55'
Discharge, gallons per hour	..	..	3,360	10,080	17,400	29,400
			to	to	to	to
			1,800	2,700	6,000	12,000
Pipes, Inlet discharge	..	..	1"	2"	3"	4"
			to	to	to	to
			1½"	2½"	4"	5"
Horsepower	..	..	1	3	5	7½
Price f.o.r. Lahore (nett) (including pump motor and starter).	..	..	Rs. 217	Rs. 261	Rs. 324	Rs. 391

[Secretary.]

In reading the above table it is necessary to remember that in any case the greatest discharge is obtainable at the lowest head. Thus the 3 H. P. pump will discharge 10,080 gallons per hour against 20 feet total head, but it will deliver only 2,700 gallons per hour against a total head of 60 feet. For all heads intermediate between the above stated limits the discharge will vary in inverse proportion.

In order to complete the pumping installation at site the cost of piping, wiring, staging and access ladder, if same are necessary, must also be provided. These would have to be provided by the owner and, depending on local conditions and size of pump installed, might add from Rs. 100 to Rs. 300 extra.

Horizontal spindle pumps can be used for pumping from existing wells. If the pump has to be placed inside the well, e.g., in cases where the water lies more than 10 feet below ground level, it is desirable that a special motor, capable of resisting damp, be installed. This would add to the cost but the exact amount would depend on circumstances and cannot be indicated. Makers should be asked to advise in each case.

Vertical spindle bore hole pumps range in cost from about Rs. 1,800 or Rs. 2,000 and upwards. They are suitable for pumping from tube-wells where water lies deep, i.e., more than 25 feet below ground. Under such conditions the cost of a masonry chamber which is required if a horizontal spindle pump be used becomes so high that the total cost of a horizontal spindle pump with chamber, etc., is higher than that of the vertical spindle equipment.

6. The usual surface well is good for a discharge of from 2,000 to 4,000 gallons per hour. If the discharge of the pump is within these limits the well will not be pumped dry. If, however, for example, a pump which is capable of giving a discharge of say 10,000 gallons per hour against the head obtaining be installed in a well which is safely capable of supplying say only 3,000 gallons per hour it might lead to the well being damaged.

It might be advisable to recommend in all cases where the pump to be installed in a surface well has a discharge exceeding 2,500 gallons per hour that one or more tube-wells with proper strainers be first sunk in such well. The provision of strainers in all such cases needs to be stressed since there have been cases where after going to the expense of boring the owner has installed a length of ordinary pipe without any strainer. It is hardly necessary to remark that this practice does not improve the discharge of the well and is only a waste of time and money.

Where strainers have been put in very large discharges can be obtained. For example at Dolianwala, 3 miles south of Kasur, a 16 feet diameter surface well is yielding $1\frac{1}{2}$ cusecs with a draw down of 16 feet after being provided with 5 bores each containing strainers.

7. As regards part, (b) of the resolution, the project estimate for the Qadian pumping scheme referred to above, includes the cost of pumps and motors. But this scheme also includes the cost of sinking the necessary tube-wells, and the return which Government will have to demand is enhanced accordingly. In the case now under discussion, the circumstances are different. Given the load necessary for commercial success, Government are prepared to supply current at their normal industrial rate, but it will be for the well owners to supply the well gear, and if necessary to increase the capacity of their wells. Well owners, who desire to do so, can apply for *taqavi* for these purposes under the Land Improvement Loans Act. Under section 4 of that Act, the term "improvement" covers the reconstruction of and additions to wells.

RAILWAY ADVISORY COMMITTEE.

The Honourable Nawab Muzaffar Khan (Revenue Member): Sir
I beg to move—

That this Council do proceed to the election, in such manner as may be approved by the Honourable President, of three representatives who may or may not be members of this Council to serve on the North-Western Railway Advisory Committee, representing Agriculture, Trade and Industrial interests, respectively.

The motion was carried.

Secretary: The Honourable President has directed that the method of election for electing three representatives to the Railway Advisory Committee shall be by card vote and that it shall be held at 6 o'clock in the evening on Thursday the 31st of October, 1935. Nomination papers should be sent to me by 3 o'clock in the afternoon on Monday the 28th of October, 1935.

Mr. President : The Council will now resume discussion of the Honourable Mr. D. J. Boyd's motion that the Punjab Criminal Law (Amendment) Bill be taken into consideration at once.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : Sir, I am not going to inflict any long speech upon this House. My speech will be a short one, though it may not be sweet. I will begin my speech by a couplet of Hafiz of Shiraz.

تنب تاریک و بیم موج و گرداب چندین حائل
کجا داند حال ماسیک ساران ساحل ها

The famous poet enumerated only three difficulties which he felt. These were the pitch dark night, mountain high waves and eddies or whirlpools of the ocean. His boat was in the midst of all these difficulties. But the lapse of time has added one more difficulty to the list of difficulties in the way of the present-day Governments. These are four. One is terrorism, the other is Congress, the third is communalism and the fourth is communism. Practically all "isms." This was natural and expected, because centuries have rolled by and there have been many upheavals, natural and artificial, in this globe of ours. So all that was expected. Terrorism may stand for dark night, Congress for waves, communalism for eddies and communism is, of course, a new danger.

I was not present when the speeches were made by several of my friends, but I was surprised to see subsequently that most of them belonged to the legal profession. All these were gentlemen who had never come into contact with the actual realities of the life and who had nothing to do with the executive work of the Government. These men could be compared to arm-chair politicians sitting very cosily in their rooms under fans or pull-punkhas and they could not, therefore, be in a position to lend any help or support to the Government, because all their lives they had applied their minds to legal points. It is absolutely necessary for a good Government that it should be in possession of all sorts of conceivable weapons in its armoury. It is not necessary that when it possesses all these weapons it should necessarily use them, but it should be prepared to meet all eventualities and emergencies and, therefore, it is absolutely necessary that this House should not grudge any powers which the Government demands for good government and maintenance of law and order. We have got instances before us. Only recently we have had one. Any government which neglects its duty and does not arm itself with all sorts of weapons is bound to suffer every consequence of its negligence and not only the Government but the people as well whom it is bound to protect. Take the case of Abyssinia. That country has been sleeping for centuries and has been living in mediæval times and the result is that it has invited to its country unwelcome guests and is not in a position to protect itself and it has not armed itself with all sorts of weapons which are necessary for the maintenance of peace and for the protection of its people. I do not think that some of the members, for whom I have the greatest respect and regard, would have made the speeches that they did had their vision not been blurred by an incident

[K. B. Malik Zaman Mehdi Khan.]

which took place a few months ago in this city of Lahore. Consequently they were not in a position to offer any dispassionate and impartial opinion on this very important Bill and this is the reason why they have been carried away by their passion or sentiment. I, therefore, am of the opinion that it is absolutely necessary that we should concede all the powers which the Government demands in connection with this Bill and for the maintenance of law and order and for the protection of the people it is absolutely necessary that the Bill should be passed. I do not think that any law-abiding person can have any fear or apprehension in his mind when this Bill is passed. As Shaikh Saa'di has said—

آنرا کہ حساب پاک است از محاسبہ چہ پاک

if a man is not guilty in his own mind or not guilty of any subversive movement, he need not be afraid of anything, but a person who harbours any evil or pernicious designs in his mind will certainly be caught by this Bill. I, therefore, lend my support to this Bill. (*Hear, hear*).

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to oppose the motion so ably moved by the Honourable Finance Member. In opposing this motion I want to make it clear that when this Act was last introduced I was the sole man on whom the brunt of opposing it fell and when I was far out in the day other men joined me, but the number could not exceed four then. I am glad that to-day almost the whole House has condemned it except one or two honourable members. Why has this change occurred in the mentality of the members? The reasons are plain. This Act was meant to be applied only for checking two movements, as was stated by the Honourable Finance Member who introduced it in 1931. At page 70 of the proceedings of the Council for 27th November, 1932,¹ it is said that there were two movements to combat which this measure was being moved, that is, the civil disobedience movement and the terrorist movement. The civil disobedience movement was then subsiding and the Honourable Member for Government then said that there was only the fear that it might spring up again. He made it clear then that the Act would be applied to no other movement than the civil disobedience and terrorist movements. There is now noticeable on the part of honourable members who supported the measure then a change of mentality on the present occasion. Why? It is because the Act has been applied recklessly to a movement altogether different, a movement which was never contemplated at that time. It was never thought that there would be a breach of faith in such a short time.

The Honourable Mr. D. J. Boyd : The honourable member speaks of a breach of faith, although he says that it has been made by my predecessor rather than by myself. But may I ask him whether any undertaking was given that that Bill would only be used against civil disobedience and terrorism?

¹ Volume XXII.

Chaudhri Allah Dad Khan : I have already referred to the page in the proceedings of the Council. Here is the honourable member then in charge of the Bill speaking—

“The two movements which I have referred to are, of course, the civil disobedience movement and the terrorist movement.”

He never spoke of any other movement throughout his speech.

The Honourable Mr. D. J. Boyd : That is not an undertaking of any kind.

Chaudhri Allah Dad Khan : Is there any one in this House who can say that when the Bill was being passed there was the least justification for any apprehension that its provisions would be applied against a movement, like the Shahidganj affair? There was here no talk of civil disobedience. The speeches made it clear yesterday that the meeting held at Rawalpindi expressed no indication that civil disobedience would be started. They only deferred the matter and resolved that they would consider it on the 20th September. But before there was any talk of civil disobedience four leaders were deported from Lahore, Maulana Zafar Ali, Sayad Habib, Khwaja Nazir Ahmad and Lal Khan. There was a weapon ready in the hands of the Government and it was taken hold of. I submit that this has probably changed the mental outlook of honourable members of this House. Honourable members who abstained from taking part in the discussion of the Bill which was then introduced or who were ardent supporters of the Bill have now opposed the present Bill vehemently. The fact is that the provisions of the previous measure have been made use of for such innocent gatherings as those of school children at a declamation contest, as the honourable member from Gurdaspur pointed out the other day. This is applying the Act with a vengeance. Can any one say that this misuse was thought of at the time when the Bill was passed? I am glad that honourable members have now come to realise their mistake in having supported the measure then. I am not out, however, to find fault with them, and I can say to them in the words of the poet :—

کئے وہ دن کہ نادانستہ غیروں کی وناداری
 کیا کرتے تھے ہم تقریر تم خاموش رہتے تھے
 بس اب بگوتے پہ کیا شرمندگی جانے دو مل جاؤ
 قسم لڑو ہم سے کر یہ بھی کہیں کدوں ہم نہ کہتے تھے ؟

At the time when that Act was passed that was the idea in the minds of the members who helped in its passing. If there be still any doubt on the point I shall make it plainer. It is an open secret that those who were supporting that Bill called each one of the Muslim members and said to him : This is a measure directed against civil disobedience which is confined mainly to the Hindus and that the Act would be applied mainly against them and you need not fear. This very idea was put to me by some honourable members. But I said : No, you do not know the ways and methods of Government. They will surely apply it against the Muslims as well. The time has come when my words and fears have proved true. The Act has been applied against the Muslims with a greater vengeance than against the Hindus. To-day I find the same manoeuvre is being used. It is freely

[Ch. Allah Dad Khan.]

talked in this Council and outside that the present measure is intended to be applied against certain audacious Muslims who are agitating over the Shahidganj affair and that the Hindus would not be touched; even if they were to be, the Act would be limited in its operation only for a short period. This is again a manoeuvre to win support for the measure in quarters where such support will not be forthcoming ordinarily. (*The Honourable Mr. D. J. Boyd*: Manoeuvre by whom?) By those people who are inclined to support this measure. I know that the Honourable Member would take it ill and I have avoided raising this charge against anybody. It is, I say, a manoeuvre by those who want to win support for the measure. The powers which this Bill seeks to arm the Government with will be used on the slightest pretext. I, therefore, urge that the Bill should be judged on its merits apart from such considerations as whether it is intended to apply against the Hindus, Sikhs or Mussalmans. Let it be applied to anybody. The question to ask is, "Is it proper for any honourable member to give his support in the name of the people whom he is sent here to represent to a measure which will enslave them? Is it proper for us, I ask, that we should welcome a measure when a measure similar to that had been thrown out by the Legislative Assembly the other day with such a tremendous force?" (*The Honourable Mr. D. J. Boyd*: This measure was not thrown out, but quite a different one. This is as different as chalk from cheese). Just imagine what would happen even if you confine this measure to three years. In three years things may happen which may upset the whole province and this Act instead of doing good to the country may do infinite harm. Just in the instance before us, if this weapon had not been in the hands of the Government, they would have dealt with the Shahidganj affair in a more tactful manner. It was an affair which even a novice, a tahsildar could have handled better than the Punjab Government. The way the Government have managed the affair shows their incompetency and if this Act were not with them they would have thought of some other measure which would have served them well. The first measure they could think of should have been to prevent the *jathas* of Sikhs pouring into Lahore. Government failed to prevent the *jathas* for fear that they would create trouble. But later on why should they have taken a different attitude and prevented Muslim *jathas* from coming which were pouring into Lahore some time after? I myself saw many *jathas* stayed by the Deputy Commissioner at Sheikhpura and Gujranwala and other places. Why was not that done in the case of the Sikhs? When their *jathas* had arrived, even if you did not prevent them in time, you should have brought into use the provisions of section 145 of the Criminal Procedure Code without any loss of time. But that was not done.

Mr. President: I will request the honourable member to discuss the principles of the Bill and not its details.

Chaudhri Allah Dad Khan: I may submit that there is no principle in the Bill. It is a soulless, lawless and senseless measure as was pointed out in the debate on a similar measure in the Bombay Council. I have not been able to find any principle in it. Is there any principle in depriving a man of his liberty without proper trial? That is what clause 3 provides, and when is he to be deprived? When he is *about to act*. It is impossible, unless you possess the gift of second sight, to find out a man about to act

before he has actually acted. Whatever reasons you may adduce that a man was going to act in a particular way will never carry conviction. Can there be any principle in such a legislation? This measure then would have been justified to however little extent it might have been if there were subversive movements going on now. The Honourable Finance Member admitted that civil disobedience has disappeared altogether. (*The Honourable Mr. D. J. Boyd*: No, I said it was in abeyance.) When the Honourable Member has not pointed out any single case of civil disobedience in the province I take it that his words mean that it has disappeared, whatever else might have been in the Honourable Member's mind. When there is no civil disobedience, when there is no terrorist movement, why should you take these powers on the plea of precaution? Suppose I and my neighbour have been fighting for a long time and I sharpen my knife when he sits quietly, being pigheaded, and show him the sharp weapon with the threat that in case of future trouble the weapon is there. Can anyone believe that such an action will not exasperate him, that it will not lacerate a heart already wounded? Is it not natural that he would take it as an insult? In a similar way the Congress has made a good gesture. It has laid down the weapon of civil disobedience. It is for the Government now to extend its hand of friendship to the Congress. But on the present occasion, as in all past ones, this Government never takes the tide in time. Whenever there is a favourable turn of events, this Government never takes advantage of the moment. Far from it, it acts in such a way as to worsen the situation. As an illustration I may quote the Rowlatt Act. During the Great War the whole of India rose like one man to rid the Government of its difficulty. Men and money were unreservedly laid at the disposal of Government and even Mahatama Gandhi was bringing recruits during the Great War. But when the War was over and when people were looking for a reconciliation between themselves and the Government and for a reward, they brought the Rowlatt Act in. There were many men whom I could name who dissuaded the Government from bringing in the Rowlatt Act, but the powers that be never listened to sane counsel with the result that there was created in the country such a great upheaval as to embitter the relations between the rulers and the ruled for a long time to come. The Government is reaping bitterly the fruits of that unwise step. Up to 1919 there was clearly no revolutionary movement in India. Till then all efforts were constitutional for the extension of popular rights which is natural in the history of every country. The thought of sedition, revolution or any change in the system of Government by means other than peaceful was not enough in evidence in the mind of India. The Rowlatt Act brought for the first time in its wake a great deal of misery, a great deal of embitterment of relations and it produced political stalwarts like Mahatama Gandhi, Mr. Muhammad Ali, Pandit Motilal Nehru and in the Punjab, Lala Lajpat Rai and several others like him in other provinces. But for the Rowlatt Act and the effects that flowed from it, the course of our history would have been entirely different. Again at present when things are getting settled, when the atmosphere is getting calm, they disturb it by bringing in measures like this. When any good words are addressed to Government they are never accepted by the Government authorities as correct. You should take the advice of the representatives of the public, but instead of that you look for the advice of ultra-loyalists who can give you,

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no good advice. Whatever advice these latter give is usually tainted by ideas of flattery and by ideas of selfishness.

I daresay that if you had taken advantage of the times after the War you could have done much better than you are doing now and you would have saved this just and equitable Government much trouble. I do not say that Government is to blame for it, but now when there is a good opportunity of creating a good atmosphere when the new constitution is coming and the people are taking to legal ways of doing things, they are again bringing these illegal things. You must admit that this is an illegal measure. When people are coming to legalism, if I may so call it, why are you doing illegal things? Why are you taking such powers which are not needed? The Honourable Member for Finance says that he is having this Bill passed more with a view to empowering the new Government. I think that the new Government will be able to enact such a measure at any time whenever they find any necessity for it. Why then pass this Bill now? To bring forward such a measure when the atmosphere is calm is nothing but an insult to the intelligence of the honourable members of this House, and the Government should abstain from moving such measures at this time.

Then again, as I said on the last occasion when this Bill was under consideration, this Bill does not prevent a man who is out for civil disobedience or for terrorism from committing an act. As I said before, you cannot catch hold of a terrorist before he has committed an act of terrorism. If you have succeeded in capturing you have captured him after the act has been done. This Act will involve the innocent and the guilty alike, as the verse says :—

حریف جوشش دریا نہیں خودداری ساحل
جہان ساقی ہو پھر باطل ہے دعوتِ ہوشیاری کا

What I want to say on this point I shall put in a nutshell. The provisions of the Bill give power to arrest and detain suspected persons and those interfering with meetings, and so on. Do you think that deportation is a harder punishment than sending a man to jail? If you deport a man, say, to Fatehabad, what does it matter to him whether he lives here or there? Do you not know that people go hundreds of miles away from their homes, and yet these deported persons have the satisfaction of getting something from you as subsistence allowance? They only produce disaffection in the minds of peace-loving subjects there. Deporting a man is no punishment at all. Sending him to jail is a more rigorous and harder punishment, deportation is only a pastime to him.

There is another point. As I submitted last time there are thousands of tuberculosis germs in the Shahpur jail. Suppose they take with them thousands of germs and they pass them on to other places, say Fatehabad. Similarly when you deport people to Fatehabad they carry with them the germs of disaffection and spread them there. In deporting a man like that Government is itself doing propaganda for the movement. Do you not think that it would be better to keep such men in jails? There they can only spoil a few people, but if you send them to a place like Fatehabad or to a place like Sirsa, do you think that that town can remain immune? The man you have sent to Fatehabad will contaminate the whole place. He

cannot go out of Sirsa, but he can on the pretence of *shikar* go here and there and spread the contagion. What is this remedy? This remedy is worse than the disease. Are you out to spread the contagion of disaffection as embodied in the civil disobedience or terrorist movements? Are you going to spread it throughout the Punjab? You have sent a man to a tahsil where there was not the least bit of any talk of civil disobedience or anything else and he may be spreading the contagion, if he is so minded. This Act will not help you at all. The other is that you keep a man, say in custody where he is for fifteen days or at the most for two months. What is the effect of it on him? After two months when he comes out he will come out with the belief that he was treated unjustly and human nature being what it is he will feel inclined to turn to disaffection. The best remedy in his case would have been to persuade him to adopt peaceful means.

As regards the Shahidganj affair, I have already said that you could have dealt with this affair very easily without this Act. You could have, for instance, passed an order under the Criminal Procedure Code prohibiting Hindus, Muslims and Sikhs from going near it. I am surprised that such a thing did not appeal to Government, though it was suggested to it. The suggestion should have appealed to Government and there was absolutely no fear of any trouble arising. (*An honourable member*: What kind of order did you want Government to pass?) Government should have taken possession of the mosque under section 145 of the Criminal Procedure Code and prohibited people, Hindus, Muslims and Sikhs from entering the precincts. Had that been done, no trouble would have arisen.

The Honourable Finance Member stated that the effect of the Act is that the subversive movements have been kept under control. He said that Government had been able to do so only because it had a weapon in its hands. I say this argument should not have been repeated. It does not appeal to anybody. Do you think this was due to the effect of arrest or detention that people have given it up? My answer is, no. This is due to natural causes, this is due to saner element coming into the ranks of the Congress or those bodies which were acting against Government. It is due to this reason, and not to the measures. If at all, these measures might have kept it longer.

Sir, you said that the principles of the Bill should be discussed. There is one principle which is a violation of the principle of *habeas-corpus*. Clause 17 says:—

“No suit, prosecution, or other legal proceedings whatsoever shall be entertained in any court against any police officer or person for anything in good faith done, or intended to be done, in pursuance or execution of this Act.”

You will remember that it has been the rule of law in England that no man is above law. Every man is liable to be brought to a court and that no man can be above the law. This is laid down in so many Acts of Parliament and this is a very well recognised and a definite codified law in the British Empire enacted by Parliament. The present Act violates the authority of the Parliament and under section 80-A (4) of the Government of India Act such an Act is *ultra vires* because upon this depends all the other provisions of the law. Section 80-A (4) says:—

“The local legislature of any province has not power to make any law affecting any Act of Parliament.”

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Thus the Act is *ultra vires*. No man is above law but, here is a law which says that no legal proceedings shall be entertained in any court against any police officer or person for anything done in good faith. Who is to judge that the officer has done an act in good faith, the executive Government or more plainly the heads of the police department? The superintendent of police or the deputy superintendent will give a statement that the sub-inspector or the head constable acted in good faith and no court is authorised to try him. This is a matter which I submitted some time last time and I submit it again and say that the Act is *ultra vires*. If you take away this section, then all other sections go automatically, because you are powerless to make use of sections 2 and 3 for fear of civil suits being brought.

This measure which it is proposed to enact now will have no effect on those people whom it is proposed to bring under. I would, therefore, appeal to the honourable members here not to proceed with it. With these words I oppose the motion.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): Fortunately I am not labouring under the same disadvantages which my friend Khan Bahadur Malik Zaman Mehdi Khan was labouring under. I have been following the whole debate on this Bill closely. I have been hearing all the speeches made on both sides in the House. I must confess that even after hearing all these thundering speeches I am confirmed in my belief that this Bill is not only essential but indispensable under the present circumstances. (*Hear, hear*). The opposition both in this House as well as in the House of elders has not been able to adjust itself to the call and needs of the times. The opposition must as a rule conform with the times. There are times when an old law becomes a dead letter being practically useless and has got to be repealed, but there are times when measures which seem to be abnormal and special have to be re-enacted. Special times always demand special measures. No Government in the world can ignore a challenge to law and order, whether that challenge proceeds from a *satyagrahi* who delights to experiment with the truth or from a communalist who cuts throats in the name of religion. The communalist thinks that his God and his God alone is right while that of another is an impostor. It is to prevent the political law-breaker and the communal cut-throat from having their own way that this Bill is being enacted. Communalism, communism and terrorism, as has been said in this House, might have died, though I do not believe it, but they are not buried yet. The monster might stir up at any moment and might work havoc and destruction in the whole population of our province. It is, as is well-known, impossible to legislate on the spur of the moment. The only thing that can be done at once is to issue ordinances which the House, I am sure, abhors so much. When the Government takes resort to the ordinary course of legislation, even then it is opposed and the argument advanced is that when an emergency arises it can be met by the extraordinary special powers of the Governor and the Viceroy. But when that contingency arises and the Government wants to resort to its extraordinary powers, it is contended that Government should have resorted to the ordinary law of the land and should have adopted the ordinary method of

legislation and should not have resorted to its extraordinary powers of legislation. I do not understand the logic of this argument. While honourable members want the Government to protect the people in times of trouble they deny the Government necessary and sufficient powers to protect them. Is this logical, is this reasonable, is this commendable, is this honourable? When we want Government's protection we must furnish it with the weapons necessary for the purpose.

I may submit that the president of the Congress himself said that civil disobedience has been suspended, and not abandoned. I do not understand why the ordinary meaning of the word 'suspension' has been misunderstood by my honourable colleagues. No less an authority than the president himself has said so. It is not necessary for me to dwell on the havoc and destruction which the civil disobedience has worked in the province. Honourable members are well aware how the civil disobedience disturbed the peace of our country and the tremendous trouble it caused, how many lives it had cost to our country, how much unnecessary expenditure it brought about to bear on the provincial revenue, how much provincial wealth it squandered and how many families it ruined. If honourable members realise all these things, they should not under-estimate the dangers which are facing them or which are in ambush for them. I would, therefore, request the honourable members to be alive to their responsibilities and, as the proverb goes, not to bury their head in sand like the ostrich which when it sees its enemy shuts its eyes and buries its head in sand under the impression that it is thereby quite safe with the result that ropes are found round its neck and nets round its wings and it is completely overpowered. I would also request the honourable members to be true to their convictions. In this connection I may remind the House of what Dr. Gokul Chand Narang once said in this House when he was speaking on the communal award, that he was being blamed for having said certain things outside, and that whatever he said in this House he would be proud of saying outside it and would declaim the same from the housetops and everywhere in melas, markets and mandis. That should be the spirit of every member in this House.

The next point which I should like to dwell upon is this. We have had experience of the working of this Bill for three years. This is not a new measure to inspire doubts in our minds. I have the courage to say that we have sufficiently tried the Punjab Government and I am of the opinion that even in matters purely official it has the reputation of taking the advice of non-officials. Further, whoever may be the custodians of law and order, either the present form of Government or the future form of Government, we must have some sort of faith in their discretion and judgment.

Now, I would like to deal very briefly on the Bill itself. I do not propose to take any length of time on this subject, because it has been already sufficiently dealt with by the Member in charge. Even a cursory glance at the Bill will be enough to satisfy the keenest critic that there is some justification, rather much justification, for having this Bill on the statute book. The mere cry that we should not leave a legacy to our successors which may not even be touched with the proverbial pair of tongs, and that we should not disgrace our statute book by putting this Bill in there, will not do. The chapters which are to come into force at once, as you know, are chapters 3, 4, 5 and 6. Chapter 3 relates to public meetings. Honourable

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members are sufficiently aware of the disastrous results which these meetings were able to produce in the days of martial law. There is no check on the liberty, there is no restraint on the sacred right of the freedom of speech as long as these are peaceful. When people act in a constitutional manner, nobody tampers with their liberty. It is only when people go beyond certain limits that they are controlled by the provisions in this chapter. These meetings are controlled only when they go beyond certain limits. As to the chapter relating to emergency powers, I would only like to refer to the Bill in one or two sentences. The Bill says that any person "who has acted, is acting or is about to act in a manner prejudicial to the public safety or peace" will be dealt with in this way and that. Now, I would ask, "Would you suffer a man to act in a manner which is prejudicial to the peace and tranquillity of the country and then allow him to go scot free?" I do not think any reasonable man will do that. His liberty must be checked and his activities must be controlled in order to save the peaceful and law-abiding citizen. I should like to mention here that I have no axe to grind and no iron in the fire. I am not looking at this Bill from any party point of view or from any communal point of view. I look at it from the point of view of an honest law-abiding and peaceful citizen. The next chapter is one which relates to mock processions. It does not lie in my power to impress this point adequately. We all have had experience of how communal riots have occurred on account of these *syapas* and other processions. The next chapter makes instigation against the payment of certain legal liabilities illegal. That thing is more valuable and beneficial to you rather than to the Government. Imagine for a moment what will happen if the tenant refuses to pay your rent. No-rent campaign will lead you to a life of starvation and if the zamindar who is the backbone of our province is crushed, everybody is bound to be crushed, whether he is a factory owner or a lawyer or a doctor or a Government servant. As to the refusal of payment of land revenue, suffice it to say as you know this is the sixth budget which you are examining—fortunately you have got sufficient experience by now—the water rate and land revenue forms the lion's share of the revenue of the province. If people refuse to pay that revenue, it is impossible for you to run your Government whether in the Veterinary Department, or Public Works Department, Education Department, or any other department. Without having that revenue at your beck and call it is impossible to run the administration. If anybody tampers with the payment of that revenue then he tampers with the whole running of Government of this province and this should not go without any punishment. In this connection I would like to quote a sentence from the speech of the Honourable Home Member of Bombay Government. He said: "Instigation to non-payment of land revenue was not a criminal offence and organised non-payment for political purposes could not be dealt with effectively by the ordinary law" and he asked whether it would be fair to let the instigator go free while the poor cultivator suffered. This alone is sufficient to justify the provisions of Chapter IV of this Bill.

Chapter VI relates only to rules of procedure and I need not dwell on it very long. As to certain reasons advanced by the various honourable members of this House I would like to throw a bit of light and discuss them.

The honourable member from Hoshiarpur was the first critic of this Bill. His argument was that it was a sort of preventive measure and there was no necessity for it. (*Mr. Nanak Chand Pandit* : I never said anything of the kind). You may refer to the debates. (*Mr. Nanak Chand Pandit* : I have got the speech in my hands). Preventive measures, he knows, though now he refuses to recognise it, are necessary. There is section 107 to check breach of peace and sections 109 and 110 to check the activities of burglars, vagabonds and so on. I do not understand the logic or reason that when the mischief is done you should apply the remedy. If a fire breaks out in a mohalla, do you mean to say that you should wait till it devastates or ruins 30 or 40 houses and then prevent? This sort of logic would not do in these matters. Another very important thing he said and Chaudhri Allah Dad Khan also supported him was that this Bill will not prove a remedy to check the vice which it aims at. If we believe in this sort of argument then I venture to say that we do not want any sort of law to control any vice in this country. As 600 or 700 murders are being committed in this country, as he said, is that a reason to wipe out section 302 from the Indian Penal Code? If simple and grievous hurts continue to be caused daily, is that a reason that you should delete sections 323 and 325 from the Indian Penal Code? If dacoities and robberies are being committed every day, is that a reason that we should omit sections 392 and 395 from the Indian Penal Code? If the Excise Act has not been able to stop the distillation of illicit liquor, should we repeal that Act? On the other hand that is a reason to make more laws and make them more rigorous. Otherwise we should repeal all laws in this country. It is no reason for us that if a certain enactment is not able to check the vice which it is meant to check we should repeal that enactment or we should not enact any law. Another argument which he advanced was that this was a negation of legislation and that it is a restraint on liberty. I would refer him in this connection to the words of Mr. Hasan Imam when speaking in the Council of State and ask him to note this important sentence. Liberty unchecked and unrestrained is no liberty at all; that is something meant for the brutes and not for human beings. In the course of his speech the honourable member said: "I am ready to admit the dictum of the Honourable Home Member that liberty uncontrolled is no liberty at all. I go further and say that uncontrolled liberty is the prerogative of brutes and civilised humanity means that it must submit to certain rules and regulations of morality, jurisprudence and practices of the world."

Now, the other argument which he advanced was that communalism has been in this province since very long. He means that if a disease has sufficiently developed and has eaten up a major part of the body of a man, he should stop taking further care of it and resort to no remedy at all. If consumption or tuberculosis is advanced to the third stage we should leave the man then and there and not take any steps to cure him of the disease: That is a very strange argument. There was communalism in 1908, he says. But in those days I am sorry to say, that his intelligence was not working with so much activity as now. But that fact shows that a further and more effective check should be taken. The faith of the villager is easily understood. He is ignorant of all these complications and even in these days communalism is to be found in a very acute form in the headquarters of a district or a tahsil. Because it has been existing so long does not mean that we should not pay

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any attention to it now. The next thing he referred to was special powers of the Governor. When those powers are used you cry against him. When resort is had to special legislation and ordinary law of the land you accuse him. So I do not think that this is a reason to enable us to form an opinion against the Bill. As I have already said, no Government can witness bloodshed and lawlessness with impunity. It must check them. Then he took unemployment as being the reason against this Bill. I say it must be the reverse. How many jobs can the Government afford to give to the people? Unemployment in the present sense of the word is that these people are not given Government jobs. Now you yourself know that it is very difficult to provide all people with Government jobs. Then again you admit that these unemployed people are dissatisfied and desperate people and they can go to any limit whatsoever. Therefore unemployment is rather a reason for putting this Bill on the statute book than a reason for its rejection, because a desperate man, a man who is dissatisfied who cannot get sufficient to eat is apt to commit any vice which we can conceive of. Again there is an argument advanced by my honourable friend from Amritsar. He said that these Ministers who will come under the new constitution will use these powers against us in elections and so forth. I would ask you a simple question. The House will pardon me for the language. Does he think that the future members of Government will be a set of fools and idiots, does he under-estimate so much their qualities of head and heart that he thinks that they will go to such a depth as to use these powers to serve their personal ends? He has too poor an opinion of the future Government. If this is his opinion of the future Government then I would ask him a simple question? Why have you been asking for the reforms? Why have you been entreating the Government to give you provincial autonomy? Why have you begged for it? Why have you craved for it? If these were going to be the people in the Government, then it was better not to have asked for the reforms. Another reason which the honourable member, Mr. Nanak Chand Pandit, advanced was that this will hamper the future constitution. I want to tell him this. The responsibility is changing hands very soon. We are on the threshold of a new constitution. The Ministers will be in charge of law and order and they will be taking greater burden on their shoulders. So, why should we not give them greater powers to sustain it? When we place greater responsibility on them it is our duty to give them powers to meet that responsibility. It is all the more the reason why we should sufficiently arm them with all sorts of weapons so that in the beginning they might not be handicapped in any way in the absence of sufficient tools. A workman who runs to bring a borer from Anarkali and a saw from Shabalmi Gate cannot finish a single table even in one day. So all the tools must be there in a workshop for a workman to work with properly. Another thing which was mentioned was that this relates to civil disobedience and it was useless to enact it. I have sufficiently dealt with that point. But there is one point, as has been said by Khan Bahadur Zaman Mehdi Khan, and that is, why should you be afraid of any laws whatsoever if you are going to lead the lives of honest and peaceful citizens? Let there be hundred laws, so long as we are going to be peaceful, why should we be afraid of them? Just as he said :

اُن رَا كِه حَسَابِ رَاكِ اِسْتِ اَز مَحَابِدِه چِه بَاك

(Those people who have their slates clean should not be afraid of any auditors who might check their accounts). That is the literal translation. When you are not going to offend in any way, let there be 3,000 Acts of this sort and we need not be afraid of any. After all an Act is not like a fire engine that it should be tried every week. It will be only applied when there is mischief and nobody will try it otherwise. Another thing which was stated by Mr. Sadiq was that there have been Dussehra festival celebration recently and there have been no troubles. I need not dwell on this point. I think it is better not to enter into details on this matter. I would only remind him of the incident at Rohtak where the police had to open fire and there was some trouble on the Dussehra day. Moreover, I would like to read a single sentence from the *Tribune* of yesterday which says "Explosion took place at New Delhi Railway Station" and as for the details, you must have read, that a country bomb exploded and there was confusion everywhere and that no arrests have been made so far. Now Delhi is practically in more than one way part and parcel of our province for many purposes and if there things have been done where there are such elaborate arrangements, where the Viceroy lives, why cannot these things take place at Lahore or any other place near by? What I mean to say is that the danger is not away and that alone is a sufficient reason for our saying that we should not oppose the Act. One thing more. Chaudhri Allah Dad Khan was pleased to say why Government should make a law to apprehend a person who is only about to act. I would refer him to the Indian Penal Code where there are three offences at least for the preparation of which a man can be apprehended and punished. That is not a new thing, it already exists in the ordinary law, preparation to wage war against the King, preparation to wage war against a power in alliance with His Majesty the King and preparation to commit dacoities. At least three preparations are already offences. It all depends on offences and offences. There are offences for which we should wait till the stage of their actual commission and there are offences the preparation of which must be made penal and there are offences an earlier stage for which is also penal. Now for these reasons I would like to say that the mere existence of the sentence "about to act" does not make the Bill unreasonable. He has taken objection to the saving clause and I would like to say that he has not sufficiently understood the Bill in spite of his experience as a revenue officer. This saving clause occurs almost in every piece of legislation, anything done in the colour of office, anything done in the execution of a government official's duty is always pardonable under all laws and I need not quote any of them for his guidance. Suffice it to say that unless there is saving clause in the Act, unless there is some sort of an Act of Indemnity, it is very difficult to enact a new law.

Now, after discussing this Bill so much, I would like to ask a single question. "Will you wait till the civil disobedience movement re-appears in full swing, till the communist party gets more recruits, till more murders and dacoities are committed by the terrorists, till the communal unrest develops into civil war and, then re-arm the executive with the necessary powers or would you like to give them those powers here and now to maintain a peaceful and healthy atmosphere? I am not a believer in what Mr. Bakhale said while speaking on the Bill in the Bombay Council, i.e., "I would much rather be denounced by the communist as an exploiter of the proletariat, be bombed

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by the terrorist as a mercenary and traitor, than have such a law for my supposed benefit." I would rather be the reverse, *i.e.*, have the benefit of this law rather than incur the other odiums. With these words I want to support the Bill. (*Hear, hear and cheers*).

Mr. F. H. Puckle (Chief Secretary): My excuse for adding my voice to the voice of members who have arisen in favour of this Bill this afternoon is that as an official I have access to certain knowledge which is not commonly known to the members of this House and the fact that the members of this House do not know all that passes through the Secretariat is one of the reasons why they have doubted the necessity for re-introducing this Bill. Before I can come to this point, however, I want to clear up a question which was raised by two honourable members, one from Sialkot and the other from Ferozepore. I may be permitted to congratulate the honourable member for Sialkot on making his speech and I also congratulate the National Unionist Party, if the honourable member is going to join the ranks of that party, on the new recruit. He complained, and he was backed by my friend from Ferozepore, of the wrong use made by Government of section 3 and section 7 of the Act at Qadian. As regards the use made of section 3 in connection with the events at Qadian about a year ago I may say that on the facts as reported to the Government there appeared to be a great danger of clash between two parties at Qadian, unless, that is to say, immediate action, some kind of immediate executive action was taken. Government were advised by the local officers that the only form in which action could be usefully taken was under section 3 of the Criminal Law (Amendment) Act. Action was accordingly taken under that section. As far as the complaint of the misuse of section 7 is concerned, as soon as the circumstances which attended the use of that section in this particular instance were brought to the notice of Government, it took steps to see that unnecessary resort should not be taken to that section. However, even if I assume for argument's sake that this charge of misusing these powers is correct—I do not admit it—the fact that perhaps in one case in a hundred there has been a mistake or error of judgment in some minor matter of the administration of this Act is not a reason why this House should be asked to refuse to renew any of the powers which are given by this Act. I will now turn to what was perhaps the most important speech made against this Bill, that of the honourable member for Rohtak, the leader of the Nationalist Unionist Party. On the whole I think that that speech was one which was welcome to the Government benches. It put very clearly the difficulties which the honourable member felt and it contained several statements of principle to which no objection could be taken from these benches. The honourable member said that he stood by every thing he had said in this House three years ago when the original debate on this Bill was continuing. Three years ago, he said—

" I concede that under certain circumstances Government has a right to enact laws which will enable it to deal effectively with activities and movements which affect the very foundations of human society. Intellectually I have very deep conviction on the subject. "

and he went on to say :—

" I would make it perfectly clear that so far as the keeping in check of subversive movements such as the civil disobedience or terrorist movement or the movement for non-payment of taxes is concerned, I am entirely at one with the mover of this measure. "

All that the honourable member asks before giving his vote for this measure is that he should be satisfied that the circumstances of to-day render the measure necessary. I propose to try to show to the members of this House that the circumstances of to-day do call for this Bill. To clear up two preliminary points, it has been suggested that section 151 of the Criminal Procedure Code arms the executive with all the powers which it requires. I looked through the debates of 1932 on this Bill and I could not find that this point was raised at all then, which is somewhat peculiar. So I had my doubts about the validity of this objection from the start. Section 151, Criminal Procedure Code, empowers a police officer to arrest without warrant a person designing to commit a cognizable offence. This section can only be used for the prevention of cognizable offences and it is implicit in the section that such an arrest must be followed by the registration and investigation of a specific charge of a cognizable offence or by way of proceedings for preventive security. This is the only way you can use this section, unless you want to make a dishonest use of it. The whole difficulty about these offences of terrorism and communism is that you cannot always put the case into a court of law. The nature of the evidence, though it may be good enough to convince men of commonsense and good faith, as I hope members of Government are, may be such as to make it quite impossible to publish it to the world, firstly on account of the danger to the person who is giving information, secondly on account of the fact that if you reveal your sources of information you dry them up and thirdly because putting terrorists into court is very often the thing that they desire. It gives them a feeling of importance, they get a lot of publicity and they are widely hailed as heroes; and having done that your case sometimes fails. Section 151 is not good enough and I think honourable members may take it that Government, being composed, as it is, of men with certain amount of honesty, would not cause all the fuss and excitement which the introduction of a measure like the Criminal Law (Amendment) Act causes, if they had in existence sections amply empowering them for these occasions. My honourable friend the member from Hoshiarpur among the other surprising statements which he made day before yesterday stated that he would much prefer, I gathered that to be his meaning, the use of Bengal Regulation III to the enactment of this new measure.

Mr. Nanak Chand Pandit : I did not say I prefer, all I said was that Regulation III exists.

Mr. F. H. Puckle : I accept the honourable member's correction. Bengal Regulation III is infinitely a severer measure than the measure before this House. Under Regulation III a man can be taken and put, not in more or less comfortable surroundings in Lahore Fort for a maximum of two months, but in any jail in the province where he will remain until the executive like to let him out. This Regulation is so severe that the Punjab Government have only in the most serious cases applied to the Government for action to be taken under that Regulation. Provincial Governments cannot use it on their own; they must get the permission of the Government of India. The use of that section is like using a sledge hammer to crack a nut, and it is no alternative to the present legislation. As I was saying,

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the honourable member for Rohtak said that if he were convinced that terrorism and communism were at the moment a real danger in the province he would be prepared to change his views about opposing this Bill. Several honourable members have declared that they know nothing of any terrorist movement. They have no terrorists among their acquaintances, they have no communists among their acquaintances, they have seen no communist literature. Therefore, say they, there is no terrorism and there is no communism. It is rather as if I were to say: I have never seen the Victoria Memorial in Calcutta and therefore there is no Victoria Memorial in Calcutta. It is not the least surprising that honourable members do not know the existence either of communism or terrorism. Most of them, a great many of them here, are land-owners, others are bankers, others are capitalists in one way or another. We have Rajas, Diwan Bahadurs, Khan Bahadurs, Rai Bahadurs and Sardar Bahadurs, and these are the precise classes of people whom in the days when communism and the Soviet Socialist Republic are established in India you will see hanging from the lamp posts of Lahore. It is not likely that the communists would disclose their designs to these gentlemen. In the same way the ranks of terrorists are hardly recruited from men like the honourable member from Hoshiarpur or from any mature man who has brains and balance enough to think sensibly. It is not the least surprising that the existence of these two movements is unknown to members of this House. But it is very well-known to people like myself through whose hands, under whose eyes, every day come reports of a meeting here at which communism has been preached, report from a source of information there that such and such youngman has been preparing for what they call "an action." We see it, we weigh it and we know roughly how much of it is true, and unfortunately there is a good deal of it that is true.

Communism, as honourable members consider, is not on the face of it a plant likely to grow with rapidity in a country like the Punjab where there are many peasant proprietors and where the sense of property is strong. Communism as honourable members perhaps know allows no private property at all. It allows none because according to the communist an individual only exists in so far as he is a member of a state. He has no value as an individual. Therefore, the State which is the supreme authority naturally cannot allow property because people become attached to property and the possession of it colours their action. In the same way communism allows no religion. If there is God, naturally you put His authority high. He is an authority above the State, at the least an authority co-equal with the State. And therefore communism will not tolerate religion. So the Socialist Soviet Republic of communist dreams is a propertyless and religionless State where everyone is equal. No one has anything except what the State likes to give him. I think so far perhaps it does not sound so very dreadful; it is not very far from extreme forms of socialism. But the difference between socialism and communism roughly is that socialism is prepared to advance towards its end by constitutional means while the communist is not. The idea of the communist is to stir up the feeling between classes, to produce the class war which ends in extermination of all propertied classes, whether their property is land or

anything else. Having achieved that desirable end you then proclaim your republic. I do not think that that is a doctrine which should be encouraged among the many landless men and labourers of this province. These doctrines are sent into the Punjab from Moscow. One honourable member said, if the Russian Government is a communist government and communism is a danger, why do we trade with Russia? The answer to that is, the communist organisation and the Russian Government are separate. There are regular channels of intercourse between this country and Moscow. Every year a certain number of youngmen are sent to Moscow to learn the principles of communism, to learn how to start class war and to run revolutionary "cells." They proceed there by devious ways, for it is difficult in India to obtain a passport to Moscow. They frequently go via California where they get into contact with the Ghadr Party, they are provided with forged passports and sent to France. There they are met by an emissary from Moscow and with the forged passport they proceed to Moscow where they stay for a year or two and are taught thoroughly well by teachers, who are very often Indians, how to start revolution in their own country. They then come back by devious ways and again by forged passports. I have a forged passport which I will gladly show to any honourable member who would like to see it. When they come back, they arrive in Bombay generally in disguise, a Sikh appearing like a Hindu and so on. They report to the Communist Party of India which is an unlawful association. They are then sent up to Punjab where they get into touch with people who have already gone to and returned from Moscow, previous students of the Moscow school of revolutionaries. They then start their working. Honourable members may be interested to know what this working and what their objects are. I may read from the first issue of the organ of the Punjab Provincial communist party, *Lal Dhandora*. This is for the month of August and this is the first number, I think. It starts—

"Let the Government beware for we who have been undergoing hardships for centuries are bent upon razing to the ground the capitalists, destroying the government of robbers and uniting to hoist the red flag. Let the peasants be masters of all lands and Rajas, Khans and Sardars may all perish. Big traders have exploited you. Do not forget to crush them. In order to establish Soviet Raj, we should unite all workers and peasants."

It goes on—

"English imperialists, thirsty for the blood of Indians, with the help of Rajas, Nawabs, jagirdars, big zamindars, money-lenders and big traders are making every possible effort to suppress the ever-increasing struggle of labourers and peasants for bread, land and independence."

There is a lot more in this style—

"Let the peasants and labourers form themselves into such a storm as to throw the British Government and its dacoit companions—big zamindars, rajas, bankers and nawabs into the sea."

It finishes up—

"Unfortunate brethren beware of these machinations of their so-called religious leaders who are in reality puppets of the British Government and its allies—the capitalists, jagirdars, money-lenders, rajas and nawabs. The exploiting capitalists, jagirdars, money-lenders, etc., have to plunder them as much as it is in their power, whether they be Hindus, Sikhs, Mussalmans, white or black. They subsist on this. They have no sympathy with any Hindu, Sikh or Mussalman labourer. The exploited are on the one side and the exploiters on the other. The present society is divided into rich and poor, capitalist and

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labour, big landed proprietors and peasants, tenants, debtors and creditors. Oh! poor working classes, you should realise yourselves and rally round the standard of the communist party for the struggle for bread, land and independence. Down with the agent of the British who bring about religious disputes. Long live the revolutionary united front of the revolutionary labouring public of India."

This is the kind of stuff which is being published about in this country and I leave you to judge whether it is the sort of stuff that you want circulated or not. I have here a copy of that interesting publication which I propose to lay on the table¹.

Before I move on from communism I should like to give the House a few more facts. I am afraid they are rather dull. The following districts we know to be infected with communism and we know communist practices are active there: Jullundur, Amritsar, Hoshiarpur, Lahore, Lyallpur, Sheikhupura, Ferozepore, Gujranwala, Ludhiana and Rawalpindi. During the year 1935 alone seven communist—very bad communist—pamphlets have been proscribed, to be correct, two of which are about to be proscribed. Within the last three months forty-six public meetings have been held in the province at which communism has been publicly preached. The communist bodies in the Punjab and a good many which under other names are really communist bodies receive twelve periodicals devoted to the spread of communism. They do not actually receive them for we manage to intercept them, but every week they come out regularly and they are regularly intercepted. There are plenty of people outside India anxious to spread these doctrines. These Associations have had to be proscribed as unlawful because they are communist. And tired though the House may be of communism, I would like to read to the House just one sentence from the 9th Tract of "Our Programme" issued by the Labour Research Society—

"In the class war the use of violence is necessary and any socialist who believes in class struggle cannot and should not shirk the responsibility, however onerous the task may be, the responsibility for violent class war."

Terrorism is very closely connected with communism. In fact you can say that all terrorists are communists but all communists are not terrorists. The main difference is that the terrorist thinks that his end can be achieved by isolated murders of officials and other prominent people whereas the communist thinks that that is waste of time except for publicity purposes and as practice and prefers to wait until he is ready for a general armed rising of the proletariat.

Another point raised especially by my friend, Mr. Manohar Lal, who is not here to-day, is that there have been no outrages in the Punjab during the last three years; he almost makes this a grievance. That point has been dealt with by my friend who has just spoken and I shall not refer to it again. I admit that for the last three years there have been no terrorist outrages in this province and I say it with a great deal of pride. But for what there was before, three years ago, before this Act came into working, I may refer you to Sir Henry Craik's speech in this Council on the 7th November, 1932. He was speaking of the year 1932—

"Since the beginning of this year we have had the following cases of terrorist crimes. We have had a dacoity committed in Lahore city in which firearms were used and which was committed by student followers of the terrorist leaders. We

¹Kept in the Library.

had a gang arrested in possession of arms in Jhelum and another large gang in Gurdaspur district equipped with bombs and firearms. We had a bomb outrage in Ludhiana, a bomb explosion in Gujranwala, and here again in Lahore Cantonment two youths captured with a pistol and ammunition. These are all cases in which there is direct evidence of acts of violence by means of bombs and firearms."

That was the state of things in this province before this Act came in.

There is still terrorism in this province. I say this advisedly and with a sense of responsibility. This is a view which is expressed also in the Police Report for the last year where the Inspector-General of Police writes—

A. P. M.

"The absence of any overt act of terrorism during the year under review must not be taken as an indication of a complete absence of terrorist activities. This menace has unfortunately not yet been completely eradicated from the province and only constant vigilance and effort have prevented the maturing of dangerous plans. But for the existence of the Punjab Criminal Law (Amendment) Act the campaign against this dangerous type of crime would in all probability have proved ineffective."

That is the opinion of the expert in crime in this province. As far as terrorism is concerned this Act is preventive and preventive only. It is not intended to punish terrorism, but to prevent it. It has various advantages. You can keep the local terrorist quiet under it; you can keep out terrorists from outside the province; you can get information of what terrorists are doing. I may mention that one young man who was kept in the Fort for a couple of months made a statement which ran to 187 pages of foolscap paper and revealed practically the entire working of terrorist organisations in the province. Under this Act you can check a terrorist gang before it has committed an outrage. If you have not got this Act you have to wait for outrages being committed. I do not think even the opponents of this Bill want to wait until someone is dead before they attempt to capture the gang which has been working.

However this is not proof that there is terrorism here. I am going to take the House still further into confidence. In April 1933 a Bengal terrorist who had been hiding his movements for some time was located and arrested under this Act. He had succeeded, as we found out after he had been questioned, in recruiting 78 Punjabi youths and 82 Bengalis to his party. That would have meant running an enormous conspiracy case which might very well have failed. As a matter of fact the arrest of six of these young men and their prosecution for the possession of arms completely broke up the gang and the Punjab was undoubtedly saved from at least one terrorist outrage. In November 1933 a plot was discovered to murder jail officials. Three members of the gang were interned and the gang was broken up. Nothing happened. In 1934 a gang of terrorists, mostly from Ajmere, came to the Punjab in order to establish connection with the Punjab terrorists and work them up. It was detected and externed. In April last year we received information of a group of terrorists who intended to commit an outrage on the occasion of the Silver Jubilee. Their leader was found in possession of a revolver. They were arrested and kept in the Fort for a few days, and their effort failed too. Again in July 1935 an outrage on similar lines was talked of for His Excellency the Viceroy's visit. That was also nipped in the bud by this Act. At the present moment the police have under inquiry five or six cases in which the essentials of terrorism are present, and three of these cases are connected with the explosion of bombs.

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Then only the other day there were two bomb explosions at Delhi. Finally, the figures for action against terrorists under this Act during the last year are under section 2, 33 and under section 3, 27. These figures prove that terrorism exists in the province.

I have very little more to say. I want to emphasise that this Act is preventive and not curative. You can cure only by the ordinary law. I want before I sit down to quote to you the words of Khan Bahadur Shaikh Din Muhammad spoken in this House three years ago —

So far as the principles of the Bill are concerned, I would assert that none of the honourable members of the opposition would be in a position to say that it is a virtuous act to jeopardise the peace of the community. None of the honourable members would be in a position to say that it is a virtuous act to instigate the non-payment of taxes. None of them would be in a position to say that it is an act of piety to take out mock funerals and to intimidate people by such demonstrations. If you are not in a position to say so, you agree with the principles of the Bill.

In conclusion I would quote the couplet from S'aadi which the Khan Bahadur also quoted at the end of his speech.

تو پاک باش بودار مدار از کس پاک
ز نقد جامه ناپاک گافران پرستگ

Sardar Sahib Sardar Gurbachan Singh (Jullundur, Sikh, Rural) :
It is with great regret that in discussing this Bill the subject of Shahidganj affair has often been brought in. I must say that Government has very wisely avoided making a reference to it notwithstanding the fact that it was the strongest argument in favour of this measure to show that communalism was at its height. It has been said that though the feelings of the communities were at a breaking point, yet nothing happened except a solitary murder. The credit of all this goes to the Government for handling the situation so ably, and nonetheless to the existence of this measure. A good Government is always prepared for any emergency that may arise, and not look for ways and means when the actual calamity befalls them. The question of using that power rightly or wrongly is the only point worth the consideration, and I think the fact that during the last three years Government have used this measure sparingly and with caution is an ample proof of the right manner in which this measure has been used. One of the honourable member said that the Government sent a constable to attend a meeting of school children who were only holding a debating club; I should say that if it was merely a debating club there should be no fear of a constable being present there. If it is really true that it was only a debating society, I think the Government would think twice to commit such a mistake over again. (*An honourable member* : This was done five times). I am sure there must be something wrong and it could not merely be a debating society. Then again it was mentioned that a head constable was given permission to go about the whole lane to find out the house in which this debating society of school children was being held. I think the school premises are the proper place to hold a debating club of school children more than any private house. If however it was proposed to hold a debating club of school children in a private house, there was no harm in specifying the place or house and

thus avoiding the inconvenience to all the inhabitants of the lane and also to the poor constable.

Again, it was mentioned that terrorism does not now exist. I think the honourable members who are fond of reading newspapers are aware that no less than five bomb explosions have recently occurred at Lahore, Banga, Delhi, Amritsar and Chiniot. At Banga the bomb burst while it was being prepared and the police captured a lot of explosive material for making bombs from the house of the man who was injured while preparing the bomb. In the first week of January a suspicious man with a pistol without licence was caught at Jullundur city railway station. All that shows that terrorism is not dead but is dormant because of the unfavourable conditions mostly due to the existence of this measure. Similarly, the communist movement is also there as has been so ably explained by the Chief Secretary. Again it was said that we should not thrust this measure on the new legislature. I for one was of the same opinion but the arguments that have been advanced in its favour have changed my views, because it has been said that the new legislature would be a more representative body of the people and that it would mostly consist of Congressmen. Then I think there could be no apprehension in the minds of the honourable members who oppose this Bill that this measure will ever be used and if they like they can repeal it. With these words I strongly support the motion.

Mr. Muhammad Din Malak (Lahore City, Muhammadan, Urban):
When the Punjab Criminal Law Amendment Act III of 1932 was passed, apprehensions were entertained in certain quarters that the very great powers it gave to the executive would be both misused and abused while some at least of its provisions would prove a veritable engine of tyranny and oppression. That Act has almost lived its three years life, and although it is only fair to acknowledge that no instances of a wilful misuse or an intentional abuse of the emergency powers can be cited, yet it is not to be denied that here and there the executive has committed more or less serious blunders. For instance, the internment orders issued against certain Muslim leaders in connection with the Shahidganj affair can hardly be justified. That however does not prove that there is anything mischievous or wicked about the principles of the Bill. All that it does prove is that like any other human institution Government also are not infallible or incapable of committing occasional errors of judgment. At the same time it must be conceded that, as responsibility for maintaining law and order is exclusively theirs, we need not be unduly disdainful to repose a certain amount of confidence in the Government. This is all the more necessary because, as we know, the ghost of terrorism is still abroad. Cold blooded murders and other diabolical crimes are still not unknown. Even the so-called peaceful picketing has more often than not degenerated into open violence and, worst of all, into communal riots, leaving in their wake a plethora of highly surcharged communal feelings. The question, then is whether we shall stand by as disinterested spectators while in the name of motherland, in the name of religion, in the supposed interests of this or that community our valiant though misguided youth, the centre of our future hopes, the flower of our manhood deprave themselves, destroy themselves and withal tarnish the fair name of India? If of late there has been any appreciable decrease in the type of crimes with which

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the Bill before the House seeks to deal, it must be put down to the existence on the statute book of the Act which expires in about a couple of months time and which this Bill is intended to replace.

There is another aspect of the case for the Bill to which I would like to draw the attention of the House. Whatever the quality or the quantity of the powers which may eventually become vested at the Centre, as we know, in common with other provinces, we are about to enter upon a sort of provincial autonomy when the reserved half of the present diarchical system will have become transferred to the people's representatives. It is, therefore, for us to consider, whether we shall let the bureaucracy take the responsibility for passing this unpalatable measure and use it ourselves, if necessary, when responsibility for due maintenance of law and order devolves on us or shall we oppose it now and assume the entire responsibility of bringing it up almost immediately after the transference of power has taken place. If I knew that the present Government wanted to re-enact this measure in order to give a fillip to its repressive policy, I for one would oppose it tooth and nail. But the next Government, the Government which alone can have any possible occasion for using it, will be the sole-creature of this House; it will be fully responsible to this House, it will be headed by one of you and manned exclusively by yourselves. That being so, no ulterior motives can be imparted to it if it uses these powers when face to face with a situation requiring swift and expeditious handling. And if for the sheer want of these powers you fail to discharge the primary duty of a Government, the duty of maintaining law and order you will have confessed your own incompetence and inability to carry on the administration. On the other hand, if after you have served your probation for, say, a year or two you find that you can do without this odious measure, you can either let it drift into desuetude or forthwith repeal it. To my mind the question is a simple one. It resolves itself into this—whether when at the helm of the Government you can or cannot trust, not the bureaucracy but yourself in the matter of making a proper use of the special powers embodied in the Bill.

Objection is also taken to the Bill on the ground that it curtails the liberty of the people very considerably. I concede it does, but I contend that it being a necessary evil, we must be prepared to put up with it. Civilization not only expects but has invariably levied a toll in the shape of surrender to it of a portion of individual liberty for the common welfare of an ordered community. Indeed, at the present day, unrestricted liberty and unhampered freedom may only be found, if at all, amongst the lowest strata of humanity still surviving in the wilds of Africa or about the wastes of the two poles. The word 'liberty' and its manifold implications convey a deliciously sweet meaning to the mind—liberty is a gift of the gods. It is a great asset and as such highly covetable. But is it because liberty in the abstract may be classed amongst the blessings of manhood that we may seriously felicitate a madman escaping from the protecting restraints and wholesome darkness of his cell, or are we to congratulate a highwayman and a murderer who have prized open the lock of their cells on the recovery of their natural rights?

It is for the reason *inter alia* that I cannot share the optimism of those who are labouring under the delusion that there is no likelihood of the Congress resorting to civil disobedience; it is for the reason that I consider it to be quite within the range of practical politics for the Congress to resume civil disobedience any day, most probably at the introduction of new reforms and most certainly if they receive a set-back at the polls; it is for the reason that the opposition to the Bill in its entirety or the proposal to limit its duration to one or two years necessarily carries with it an implied insult to, a misplaced distrust for, and a gratuitous want of confidence in the Government which is to succeed the present Government; and, lastly, it is for the reason that the principle of the Bill is sound in all essentials that, in spite of certain lapses of the executive in the past, I would strongly support it—subject of course to certain modifications of certain provisions. I would, however, warn the Honourable Member in charge of the Bill that if he allows himself to be cajoled into reducing the duration of the measure to a period less than five years I would stoutly oppose it and ask my friends to do the same.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): The subject has been thrashed out at considerable length and I have therefore no desire nor is it necessary to add much to what has been so ably said on both sides. But there are two matters which have been mentioned in the House to-day which require a certain amount of elucidation. A threat has been held out by the last speaker that unless the Government makes the life of the present Bill fairly long he would oppose it although he is in favour of the Bill. That is an attack on the concession to public opinion which has been made by the Government and communicated to the House on its behalf by the Legal Remembrancer and as it might possibly influence the action of Government it becomes necessary to examine the entire basis of this legislation.

Mr. President: Notices have been received of amendments proposing different durations for the operation of the Bill. When those amendments are moved this aspect of the question may be discussed. I think it is premature to discuss that point just now. The honourable member for Lahore (Mr. M. D. Malak) ought not to have referred to the period of operation of the Bill until an amendment in that connection was before the House.

Rai Bahadur Mr. Mukand Lal Puri: I was trying to place before the House, the *raison detre*, the underlying principle of this legislation which authors of this legislation have themselves put forward so often. It is frankly conceded and nobody would admit it more readily than the Government itself that it is not a kind of legislation which can be called ordinary legislation, *ex hypothesi* it is extraordinary legislation enacted to meet an extraordinary situation and can therefore be justified to continue only as long as the extraordinary situation lasts or may be expected to last. The Government never intended that such a piece of legislation should be placed on the statute book of the country permanently. When I say this I have no better authority than that of Sir Henry Craik himself our late Finance Member and now Home Member of the Government of India, whom the Chief Secretary quoted to-day. I think that instead of addressing my words to the non-official members of the House only, who may, as experience has shown, speak on one side and vote on the other, or absent

[R. B. Mr. Mukand Lal Puri.]

themselves at the time of voting, I would make an appeal to the Government itself to consider the implications of their proposed legislation dispassionately, to reconsider whether in its present form, this measure is in the best interests of the people or even in the best interests of maintaining law and order. I submit that the basic principle of this Bill is, that it is an emergency legislation intended by the Government to meet an emergency and therefore it can last only during the period of emergency and we should not, taking advantage of a real or assumed emergency, try to foist upon this province an undesirable piece of legislation for all time to come and if the Government is successful in doing so, it will not be doing justice either to the province or to itself. In support of what I say, may I just quote to you a few words said by no less a person than Sir Henry Craik himself when dealing with sections 2 and 3 of this Bill :

He said :

I do not deny that some of these powers are of an extraordinary nature, and in the case of the emergency powers of arrest and control of the movements of suspected persons I do not for a moment deny that they do constitute a serious interference with personal liberty, and they must on that ground be repugnant to anybody who respects the rule of law. They are no less repugnant to me personally than to any other honourable member of this house. Everybody must regret as I do, the necessity for retaining these two powers.

He then went on to point out that the terrorist movement then existing in the province was the strongest argument in favour of what may be described as the most drastic clauses. He asserted that : "The terrorists at present are better led, better organised, and better equipped than they have been at any time within the past two years." He emphasised that the Bill was a preventive legislation. "I know it is very drastic but you would certainly not like me to wait for a person committing the crime and then catch him ; you will like to catch him before the mischief is done". And he concluded, "I would limit this Bill for the period for which I expect this subversive movement to continue" and therefore he limited it for three years. The second restriction which he placed upon himself was that with respect to certain provisions of the Bill he would only confine them to the terrorist movement. You know that this Bill consists of four parts. Sections 2 and 3 deal with arbitrary powers of arrest and restriction of movements of suspected persons. Then there is the chapter dealing with public meetings and another dealing with that objectionable propaganda called *siapa*. Then there is another part dealing with the prevention of the campaign for non-payment of taxes. Leaving these provisions relating to public meetings and the non-payment of taxes, etc., out of consideration for the time being let us confine our attention to sections 2 and 3 which I consider to be most objectionable features of the Bill. And with respect to sections 2 and 3 I will ask any one who has read the sections through, whether he is justified in placing in the hands of the executive a power of that type without any limitation. I will read the sections to you and ask you whether this House or any Member of the House would give the Government that power in such unqualified form. I will leave it to the Government and ask them whether they are justified in asking for that unrestricted and unqualified power. If the Government persists in their claim, they are certainly going back on what their predecessors, Sir Henry Craik and his non-official

protagonist, Khan Bahadur Shaikh Din Muhammad, definitely asserted and promised in the Council. They said that these powers were of such a kind that they would only be used against terrorists. Their argument was that the terrorist was outside the pale of law and the Council should not hesitate to give them these powers, drastic and extraordinary though they are, against such a menace, and although the Government may occasionally err in dealing with such cases, it is absolutely necessary in the interest of the safety of the peaceful citizen, that such a risk be taken and Government armed effectively to deal with this danger to society and ordered progress in the country. The Chief Secretary was pleased to read to you to-day some extracts from the speeches of Sir Henry Craik and Khan Bahadur Shaikh Din Muhammad on the occasion of the last Bill. And I wish to complete the quotations. Now, Sir Henry Craik said that with respect to sections 2 and 3 that they would only be used against terrorists. Reading from page 515 of Volume XXII of our Council Proceedings you would find that Khan Bahadur Shaikh Din Muhammad said :

“ The Honourable the Finance Member has always been prepared to give an undertaking to the effect that this chapter would be used against terrorists and anarchists only. I am perfectly sure that he will even to-day repeat the same assurance which he gave in the select committee. And if this provision is to be used against terrorists and anarchists only, I fail to understand why any objection is being levelled against the present provision. ”

Sir Henry Craik is reported to have said on page 528 of the same volume :

“ When I introduced the Bill in this House, I assured honourable members that the powers given by the section of the ordinance corresponding to clause 2 had been used only against terrorists. ”

and on page 530 he repeated the same day that he had already explained that this section “ is designed for use against terrorists ”. Therefore this was the assurance given by the Honourable Sir Henry Craik, given by the non-official members who were supporting the Bill and it was on this assurance that the House agreed to pass the Bill. Now may I ask, does the Government wish to enact this law shorn of that proviso, that necessary safeguard, which the authors had laid upon themselves ? I have myself sent an amendment to that effect that the powers under sections 2 and 3 should only be used against terrorists, the fate of which depends, constituted as our House is, upon the attitude of the Government. But unfortunately the present Government has taken up an attitude which is entirely different from the policy of its predecessors, and I do not find any indication on the part of the Government that these powers would be restricted to certain kinds of persons as was done by an assurance under the last act, and with this attitude, I find it impossible to support the Bill. I was ashamed to hear the speech of my honourable friend Mr. Muhammad Din Malak, the honourable member for Lahore. He says he has no quarrel with the principle of the Bill. We are fortunate that we have statesmen, Englishmen of the calibre of Sir Henry Craik who have the courage of their convictions and who say that this is an extraordinary thing intended, we are assured, for use against terrorists. But here is a gentleman who wants to go further than what even Sir Henry Craik himself has asked for. The English civil-ians are after all trained in the rule of law, those gentlemen have been brought up in the traditions of British Law and constitution and they cannot, even if it suits them, put forward and ask for things which are obviously

[R. B. Mr. Mukand Lal Puri.]

absurd. But it is left to some of us, I say so with shame, to press for things which the executive themselves ask for with a considerable amount of hesitation. My quarrel is mainly with sections 2 and 3 of the Bill. Now section 2 confers powers of arrest of every person on any person generally or specially authorised by Government and he can keep him in prison for 15 days and under Government orders the person arrested can be imprisoned for two months without trial. If this power were confined to a particular kind of crime say terrorist crime, howsoever arbitrary and extraordinary the power may be, one can understand the reasons actuating the Government in asking for the same. But if you are going to give that power to any person specially or generally authorised to arrest a person suspected of anything which might lead to breach of peace, I make bold to say that your Government and constitution in this province will become unworkable. The highest person whom you can authorise is the Deputy Commissioner. Would it be possible for the chairman or the vice-chairman of a district board or the president or the vice-president of a municipality who have serious differences with the deputy commissioners every day to perform their duties properly or to give proper advice to the deputy commissioner or have difference of opinion with him, if they know that the deputy commissioner can arrest and imprison them any time with impunity and without any reason. Of course if this Bill is confined to a particular kind of crime, say terrorism or even communism, one could understand it. But if it can be used against any person about to act "in a manner prejudicial to public safety or peace", then the situation is impossible. Suppose I deliver a lecture in Gujrat against communal award or insufficient grant to a school, as a result of which there is a certain amount of agitation. Next time, the deputy commissioner may order my arrest, if I go on the same errand. Is it proper that I should be placed under that fear? And if public men are faced with that possibility, it will put an end to all constitutional opposition, to all constitutional agitations. If these powers are used ordinarily with respect to ordinary crimes, you will drive constitutional agitation to undesirable channels and you will be laying seeds of secret opposition. Now leave aside section 2 for the moment because after all the utmost that the Government can do is to imprison a person for 2 months, and consider what follows. Now under section 3, I do not know whether the members of the legislature have realised it, it is permissible for the Government to confine a person for the rest of his natural life "for having committed an offence or for attempting to commit an offence or for being connected with a movement which is likely to lead to a breach of peace". Two persons quarrelling is a breach of peace under the law. Every one knows that. Therefore what I submit is that unless Government is prepared to modify the rigour of section 3 it is impossible for any one to support it. Is the Government at all justified in asking for these wide powers to them? Has the Council realised that under this section, the Government claims to obtain the power of imprisoning a man indefinitely say for ten years or for the rest of his natural life and when he has not committed any crime, nor is he even suspected of association with terrorists, etc.? And then there is no appeal, there is no revision and no officers' action can be called into question for anything he may do under this section. There is a definite section in this Bill

regarding indemnity. Therefore I submit respectfully that if you must have this legislation, you can only have it with the necessary safeguards enunciated by the author of the original Bill. I am very sorry to find that the Government is going back on what it asked the last Council to do. This is really asking this Council to agree to proposals for which its original proposers never asked. Sir Henry Craik never asked for power to arrest a person, confine him for the rest of his natural life, if he was guilty of carrying on agitation say for the reforms of gurdwaras or of mosques or numberless similar other purposes. He said that terrorists were outside the pale of laws and he should be given extraordinary powers to deal with them and the Council agreed. Therefore I respectfully put it to the Government, would it not demoralize the Government and its officers, to stop all constitutional opposition by investing the executive with such extraordinary powers which will always be hanging over the head of constitutional agitators and which would induce them to adopt secret methods which will not bring them within the purview and the wrath of the executive Government or its officers? This kind of legislation conferring arbitrary and unrestricted powers for use against ordinary individuals for ordinary acts or omissions is bound to lead to consequences which would be undesirable both from the point of view of Government and the public. Therefore if this legislation must be enacted, it should only be passed with the three-fold restrictions which I have already pointed out and which are inherent in such a kind of legislation. It should be for a time, it may be for a year, for two years, have it even for three years, but certainly you should not have it for 5 years or any longer period, that smacks of permanency. You are not in any way required to make gifts of powers to your successors. They will know how to shift for themselves. This may embarrass them rather than help them. Again these are extraordinary powers and should only be restricted to particular kinds of crimes. It was stated last time that terrorism was the only danger. I wish to emphasise that powers under section 3, in unqualified form, I would not give, if I were a member of a joint family and the powers were proposed to be given to the head of the joint Hindu family, what to talk of giving it to a party Government. I would not give that power to the managing member of a Joint Hindu family and I say that no managing member would be justified in asking for such powers. Again, in an ordinary imprisonment you have to provide the prisoner with food, but here under section 3 you give the power to restrict a man without providing for his maintenance. You confine him in a particular place and let him look after himself, his family and dependents as best as he may. Then it is coupled with powers which are in our minds associated with "martial law", you have not only the power to restrict a man, you also have the power to order him to do whatever you ask him to do, for instance to report himself daily at a distance of five or ten miles at the police station. You can order him for instance not to wear English clothes. I assure you that this power exists in section 3, in all solemnity. Let me read section 3 to you. It provides that a person—

"shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order."

A person can be ordered to do or abstain from doing any act, say smoking, or sneezing. This means that a person shall have to behave as directed.

[R. B. Mr. Mukand Lal Puri.]

He may be specifically ordered to stand up and salute when an officer approaches him. I do not say that these orders are likely to be issued by our Government, but if not, why have these powers? The order in another case may well be that he should not see his son because the son of a particular individual may be a worse person than his father from the Government point of view. Do you justify these powers? I respectfully submit that these powers were hastily passed last time, simply because an assurance was given that there will be no use of these powers except against terrorists. I ask the Government to consider whether section 3 is not worse than martial law. There is this justification in martial law that after it expires there is some kind of inquiry and the incidents are gone into, but once you place this peculiar legislation on the ordinary statute book, there is no occasion for any enquiry. I have gone into this section again and again and I am sorry to find that I cannot put any other interpretation on it. Since the Government is going to move this legislation on these lines, it is impossible to support the Bill.

Mr. C. M. G. Ogilvie (Finance Secretary): I move—

That the question be now put.

The motion was carried.

The Honourable Mr. D. J. Boyd (Finance Member): I wish to say very little on the debate generally, because the speeches of Khan Sahib Chaudhri Riasat Ali and Mr. Puckle have answered most of the main objections which have been raised in the debate. But there is one subject on which I regret to say I must answer the criticisms that have been made. Before I do so, I would like to notice the question put by, I think, three members of the House—Is this Bill a reward for the magnificent exhibition of loyalty shown on the occasion of the Silver Jubilee? Well, Sir, we are all fellow subjects of the King Emperor and it is very gratifying to everyone of us to know that the feeling of loyalty to the King Emperor is absolutely unanimous in this House (*hear, hear*) and I certainly find it peculiarly gratifying to hear the assurance of members from different parts of this House that the Silver Jubilee celebrations were a genuine and unanimous expression of loyalty to the throne. At the same time the rhetorical question put about these celebrations is to my mind begging the question. The gift of the repressive powers of this Bill is not to those who are loyal to the King Emperor and the constitution generally, except perhaps in the case of some communalists, it is to those who are a very infinitesimal minority and the object of the repressive powers of this Bill is to secure that that minority shall remain infinitesimal and that their evil activities shall not spread.

The subject which I shall have to deal with is the Shahidganj agitation. For many reasons I would have liked to keep it out of the discussion and one very clear reason is that I think it always does harm to air communal differences in public and I would very much have preferred to keep off it, as I did in my opening speech, but attacks have been made by various members of the House and it is necessary to make clear what the action of the Government really was and to make clear the manner in which Government used the powers under section 3. No action was taken under section 2 naturally because Government is committed to using section 2 merely against terrorists and communists and the section is not used against communalists and I doubt

if it is ever likely to be so used. I think it was quite clear, throughout the debate that coming elections are casting their shadows before and in one case it was a very black shadow indeed. I refer to the case of one speaker who made the allegation, I should say—he did not make the allegation as a personal allegation but he said that some of the newspapers stated that Government had caused the mosque to be demolished. It was a mean method of making the allegation, taking refuge behind a newspaper report. If he believed that, why did he not say so? But he wanted to throw a little mud on the Government and I protest very strongly against the way he has shielded himself behind a newspaper report. If he believed the statement he should have said so and we could have tackled him direct. He was only trying to throw a little mud. I need say no more on the subject, of this allegation except that it is so fantastic that no one can possibly believe it for a second. Another speaker said that the Shahidganj agitation which started in Lahore would have ended if the gentlemen who were holding meetings and planning to negotiate a settlement with the Sikhs had not been arrested and deported. This is an absolutely false picture of what happened. It was not a deportation but an order of internment. No order under section 3 of the Act was passed before the 14th of July and long before the 14th of July all direct negotiations between the gentlemen in question, the people who were deported and the Sikhs, had ceased. It is absolutely misleading and untrue to suggest that any negotiations were stopped by the issue of the orders under section 3 of the Punjab Criminal Law Amendment Act. It is alleged that Government deported the persons who were keeping the movement under control and that owing to these deportations the public got out of control and a catastrophe occurred. There again the impression given is entirely wrong. Immediately previous to these deportations a large meeting was held at the Mochi Gate at which speeches of a very seditious nature indeed were made. At the same meeting the body of blue shirts was inaugurated and obviously there were serious dangers in the commencement of a movement of this kind. We have already plenty of experience of red shirts and red flags and it was unwise to allow a new organization to start which would almost certainly carry on illegal activities. Any way, it was not on account of blue shirts that deportations occurred but, because the four persons concerned had been engaged in fomenting agitation and until their activities were stopped there was no hope of this agitation, which was daily threatening the public peace, stopping. These persons were undoubtedly trying to organize propaganda outside Lahore in other towns and villages in order to continue the agitation which was most obviously threatening the public peace very seriously. The statement that if these persons had been left to carry on their activities the situation would have been less dangerous is fantastic. Under their control the agitation was daily growing more dangerous until on the 14th there was a meeting of about 15,000 people at which violent speeches were made. With regard to the second internments we have been told that Government acted under a misapprehension believing that civil disobedience was intended and that it was on this misapprehension that we ordered action under section 3 of the Act. We had very good reason indeed for believing at the time that civil disobedience was intended. The information was that the principle of civil disobedience had been accepted at the Rawalpindi Conference and that all that remained was the fixing of a date.

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

In the meanwhile efforts were being made to prepare the province and areas outside the province for the inauguration of civil disobedience. This is not a rash statement for we knew that agitators from the Punjab had already gone to the North-West Frontier Province and had stirred up trouble in that province and had stirred up some of the transborder tribes who had made an attack on villages in the Hazara district. This attack was the result of action by agitators in connection with the Shahidganj movement. Agitation of that sort which led to actual fighting on the frontier obviously had to be stopped. We have been told by one speaker that not only was Government mistaken in thinking that civil disobedience had ever been decided on but that it had been denied by the president of the conference. All I can say is that Government's information was confirmed by the secretary's announcement on the 7th September and it was not till later that this statement was qualified by the president of the conference. And so far as Government are aware there has been no unqualified announcement that the idea of civil disobedience has been abandoned. At the same time we very gladly recognise that all responsible Muslims condemn the idea of civil disobedience. As I have already said it was not merely on account of the threat of civil disobedience that action was taken under section 3 of the Act. The trouble on the frontier was in itself ample justification. Honourable members might perhaps think that action could have been taken under the ordinary law and not under this extraordinary measure. But the answer to that is that in the initial stages of any subversive movement or of any big agitation, while Government may have definite and reliable information about all that is afoot and all the persons who are concerned in it, at the same time they may not have, and generally do not have, sufficient evidence to prosecute with success under the ordinary law.

Chaudhri Afzal Haq : When I was referring to the Shahidganj affair I was asked by you, Sir, not to refer to it in detail and so I was debarred from speaking on the matter. But now the Honourable Finance Member is allowed to deal with it at length.

The Honourable Mr. D. J. Boyd : Definite allegations were made in the House and I am only answering them.

Chaudhri Afzal Haq : My point is that if Government wants to put that matter before the Council it is well that it should allow sufficient time so that we may discuss it face to face in all its details. We were not allowed to refer to the matter at all whereas the Honourable Member for Finance is now dealing with it in detail.

The Honourable Mr. D. J. Boyd : I shall give no more details. I hope I have answered the several allegations that have been made. I have got no more details to give but there is just one matter of principle and that is the use of this Act in preference to the ordinary law. The answer with regard to that is that just as in the initial stages of the civil disobedience movement of 1930 owing to the absence of special powers the movement gained such momentum that it took many months to stop it, in the same way we would have had the present agitation going on for a very long time indeed. I remember that Pandit Nanak Chand said that the civil disobedience movement died of inanition, that it died a natural death, that it was a mere temporary ebullition of temper on the part of the Congress. I am afraid

I cannot agree with the honourable member at all there. To begin with I do not believe that the leader of the Congress was a man who gave way to petulant temper. But what he did was part of a very definite policy indeed and it was only by the use of the extraordinary powers conferred by the Act that the recrudescence of the movement towards the end of 1981 and the beginning of 1982 was stopped. And it was stopped very speedily because of the existence of these powers. As in the past we found it necessary to use these powers to stop civil disobedience or terrorism, so we must assume that Governments of the future will experience the same difficulty as Governments in the past have experienced. And it would be wrong, I think, if we fail to hand over to the new Government until it has got well into the saddle, until people have settled down, or as I said in my opening speech until the ship of State has found herself, I think we would be quite wrong not to hand over to our successors these powers. Perhaps you will permit me to make just one statement—it is not a matter of detail but one on which members would, I think, like to hear me—with regard to the Shahidganj movement, and it is this. We have been extremely sorry to use any special powers against persons who were concerned in this movement and whose feelings have been and probably were very genuinely hurt by what occurred in connection with it. I would like to say that Government must fulfil its primary duty of maintaining law and order. It keenly desires that this unfortunate situation should cease. It has from the outset recognised that the only satisfactory solution is by an understanding between the two communities primarily concerned, an understanding which is honourable to both parties. Its policy is definitely to encourage such an understanding. If such an understanding were reached and as a consequence the danger to law and order were removed, the local Government would at once respond by taking such measures as were within its power, for instance, (1) to release all undertrial prisoners or convicts not charged with or convicted of offences involving serious violence, (2) to cancel all restrictive orders passed under section 3 of the Punjab Criminal Law Amendment Act, (3) to cancel all orders imposing security on certain newspapers. Even if without such an understanding the agitation is dropped or assumes a constitutional form and the danger to law and order is removed the local Government will take the same course. But before Government can make these concessions it must be fully satisfied that the danger to law and order has disappeared and this danger must include not only all subversive action against Government but also action which is a menace to the communal peace of the province. (*Cheers*).

Mr. President : The question is—

That the Punjab Criminal Law (Amendment) Bill be taken into consideration at once.

The motion was carried.

Mr. President : The Council will now proceed to consider the Bill clause by clause.

Clause 1, sub-clauses (2) and (3).

Mr. President : The question is—

That sub-clause (2) of clause 1 stand part of the Bill.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That after sub-clause (2) of clause (1) the following words be added :—

‘ It shall remain in force for two years. ’

My reasons I have already given while I spoke on the motion for consideration of the Bill and it is unnecessary to repeat them except to assure the House, if any further assurance is necessary on my part or on behalf of the members sitting on these benches that it is no distrust of the future government which leads us to limit its duration. It was never my idea to express in this manner a want of confidence in the future government which as Malik Muhammad Din hopes would really be a Muslim government. It never occurred to me nor is that the feeling of any one sitting on these benches. My reason for limiting the duration of the Bill is the one given by Sir Henry Craik himself on the last occasion, when he pointed out that this measure was an extraordinary legislation for a necessity and that only the existence of the necessity would justify the continuance of this legislation. I think two years is long enough. At any rate the present Government would not be deprived of any weapons which they at present possess, and the next government also will not be deprived of this weapon at the beginning of their career. They will have it for full one year and if the new government think that this Act should be re-enacted they will have no difficulty in having it passed, for, after all they will be a party government and they will only have to put it before the House and it will be passed by the majority party. But it is unlikely that the new Government will re-enact it. They will not like to arm themselves or their opponents with such powers. Mr. Sadiq, the honourable member from Amritsar, pointed out that because Mr. Boyd and Mr. Puckle were at the head not of a party government but of what I would for want of a better word call a neutral government did not allow any element of personal animosity or personal bickering to enter into the consideration of the case of any person ; but the members of the next government which will be a party government, may not be capable of getting rid of unconscious prejudice, and therefore it is very dangerous to arm a party government with such arbitrary powers. In asking that this power should not be given to a party government, he was asserting that he could not trust himself with such arbitrary powers. And he was quite right. Therefore no harm would be done if it is to be for two years. It will amply safeguard the present government and it will give a good start to the new government, but if you put it for five years you are putting it for the natural life of the new council. Therefore by putting it for five years you are conceding nothing. Therefore, I respectfully suggest to the House that they will accept this suggestion which accords with the suggestion of my friends Sardar Arjan Singh who also made a speech to that effect.

Mr. President : Clause under consideration, amendment moved—

That after sub-clause (2) of clause (1) the following words be added :—

‘ It shall remain in force for two years. ’

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I rise to oppose the amendment made by Mr. Mukand Lal Puri. It is agreed on all benches of this House probably that now we have passed the motion for the consideration of the Bill we should have the period as to the life of this Bill ascertained. The majority of the speakers while making speeches on

the principles of the Bill—though in some cases they were declared irrelevant—favoured the idea that the life of the Bill should be restricted to three years or to two years or in some cases to five years. The argument advanced by the mover of the amendment is that this Bill should not outlive the life of this Council, but even he admits the principle that we should arm the future government under the new constitution with some sort of weapon to deal with the situations arising in their time. I think it will be more reasonable if we should have this Bill for a period exceeding two years and for that reason I want to oppose this motion.

Mr. President : The question is—

That after sub-clause (2) of clause (1) the following words be added :—

'It shall remain in force for two years.

The Council divided : Ayes 9, Noes 44.

AYES.

Akbar Ali, Pir.
Asadullah Khan, Chaudhri.
Bhagat Ram, Lala.
Chetan Anand, Lala.
Jyoti Prasad, Lala.

Mukand Lal Puri, Rai Bahadur Mr.
Nihal Chand Aggarwal, Lala.
Pandit, Mr. Nanak Chand.
Ramji Das, Lala.

NOES.

Abdul Aziz, Khan Bahadur, Mian.
Allah Dad Khan, Chaudhri.
Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Bradford, Mr. W. G.
Buta Singh, Sardar Bahadur Sardar.
Dobson, Mr. B. H.
Fazl Ali, Khan Bahadur Nawab,
Chaudhri.
Fazl Elahi, Khan Sahib, Shaikh.
Firoz Khan Noon, The Honourable,
Malik, Sir.
Ghani, Mr. M. A.
Gokul Chand, Narang, The Honour-
able Dr. Sir.
Gurbachan Singh, Sardar Sahib,
Sardar.
Janmeja Singh, Captain Sardar
Bahadur Sardar.
Jaswant Singh, Guru.
Jogendra Singh, The Honourable
Sardar Sir.
Labb Chand Mehra, Rai Sahib Lala.
Malak, Mr. Muhammad Din.
Mamraj Singh Chohan, Kanwar.
Mangal Singh Man, Sardar.
Mayadas, Mr. E.

Mohindar Singh, Sardar.
Muhammad Amin Khan, Khan
Bahadur Malik.
Muhammad Eusoo, Khwaja.
Muhammad Hasan, Khan Sahib
Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan
Bahadur Nawab.
Mushtaq Ahmad Gurmani, Khan
Bahadur Mian.
Muzaffar Khan, Khan Bahadur,
Captain Malik.
Muzaffar Khan, The Honourable
Nawab.
Nathwa Singh, Chaudhri.
Ogilvie, Mr. C. M. G.
Puckle, Mr. F. H.
Rahman, Khan Bahadur Dr. K. A.
Riasat Ali, Khan Sahib Chaudhri.
Roberts, Professor W.
Sanderson, Mr. R.
Shah Nawaz Khan, Nawab Khan.
Sheo Narain Singh, Sardar Baha-
dur Sardar.
Tate, Mr. T. B.
Ujjal Singh, Sardar Sahib Sardar.
Umar Hayat, Chaudhri.
Zaman Mehdi Khan, Khan Baha-
dur Malik.

Sardar Sahib Sardar Gurbachan Singh : I beg to move—

That after sub-clause (2) of clause 1 the following be added as sub-clause (3) and the existing sub-clause (3) be renumbered as (4):—

“This Act shall continue in force for three years from the date of commencement.”

Mr. President : The question is—

That after sub-clause (2) of clause 1 the following be added as sub-clause (3) and the existing sub-clause (3) be renumbered as (4):—

“This Act shall continue in force for three years from the date of commencement.”

The Council divided : Ayes 24, Noes 35.

AYES.

Akbar Ali, Pir.
Asadullah Khan, Chaudhri.
Balbir Singh, Rao Bahadur Captain Rao.
Bhagat Ram, Lala.
Buta Singh, Sardar Bahadur Sardar.
Chetan Anand, Lala.
Gopal Das, Rai Sahib Lala.
Gurbachan Singh, Sardar Sahib Sardar.
Jyoti Prasad, Lala.
Lekhwati Jain, Shrimati.
Mamraj Singh, Chohan, Kanwar.
Mangal Singh, Man, Sardar.

Mukand Lal Puri, Rai Bahadur Mr. Mukerji, Rai Bahadur Mr. P.
Narendra Nath, Diwan Bahadur, Raja.
Nathwa Singh, Chaudhri.
Nihal Chand Aggarwal, Lala.
Pancham Chand, Thakur.
Pandit, Mr. Nanak Chand.
Ramji Das, Lala.
Ram Sarup, Chaudhri.
Roberts, Professor W.
Sewak Ram, Rai Bahadur Lala.
Ujjal Singh, Sardar Sahib, Sardar.

NOES.

Abdul Aziz, Khan Bahadur Mian.
Allah Dad Khan, Chaudhri.
Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Bradford, Mr. W. G.
Dobson, Mr. B. H.
Fazl Ali, Khan Bahadur Nawab, Chaudhri.
Fazl Elahi, Khan Sahib Shaikh.
Firoz Khan, Noon, The Honourable Malik Sir.
Ghani, Mr. M. A.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jaswant Singh, Guru.
Jogendra Singh, The Honourable Sardar, Sir.
Labh Chand Mehra, Rai Sahib Lala.
Malak, Mr. Muhammad Din.
Mayadas, Mr. E.
Muhammad Amin Khan, Khan Bahadur Malik.

Muhammad Fusoof, Khwaja.
Muhammad Hasan, Khan Sahib, Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffar Khan, Khan Bahadur Captain Malik.
Muzaffar Khan, The Honourable Nawab.
Ogilvie, Mr. C. M. G.
Puckle, Mr. F. H.
Rahman, Khan Bahadur, Dr. K. A.
Riasat Ali, Khan Sahib Chaudhri.
Sanderson, Mr. R.
Shah Nawaz Khan, Nawab Khan.
Sheo Narain Singh, Sardar Bahadur Sardar.
Tate, Mr. T. B.
Umar Hayat, Chaudhri.
Zaman Mehdi Khan, Khan Bahadur, Malik.

Mr. President : The question is—

That sub-clause (3) of clause 1 stand part of the Bill.

The motion was carried.

Khan Sahib Chaudhri Riasat Ali : I beg to move—

That the following may be added as a new sub-clause to clause 1 :—

“ This Act shall remain in force for five years from 1st December, 1935.”

Rai Bahadur Lala Sewak Ram : I object to this motion for want of sufficient notice.

Mr. President : Under Article 91 of the Constitutional Manual—

“ If notice of a 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 moving of 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.”

As the amendment has been objected to for want of 2 clear day's notice, I will gather the sense of the House informally and allow or reject the amendment according to the wishes of the majority.

(The President gathered the sense of the House and declared). An overwhelming majority of the House is in favour of the amendment being allowed. Therefore, I suspend Article 91 and allow the amendment to be moved. The question is :—

That the following may be added as a new sub-clause to clause 1 :—

“ This Act shall remain in force for five years from 1st December 1935.”

The motion was carried.

The Council then adjourned till 2-30 P. M. on Friday, 25th October, 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 25th October, 1935.

*The Council met at the Council Chamber at 2-30 P.M. of the clock.
Mr. President in the chair.*

STARRED QUESTIONS AND ANSWERS.

SPECIAL CONSPIRACY CASE.

***4647. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) the expenses incurred by Government on the Special Conspiracy Case in which Inderpal was an approver ;
- (b) the time taken by this trial in the court of the Special Tribunal ;
- (c) the expenses incurred by Government and the time taken by the trial of Inderpal in the court of the Special Sessions Judge ;
- (d) the number of witnesses examined for the (i) prosecution and (ii) defence in the two courts ;
- (e) whether the expenses referred to in (a) include the cost of (i) the pay of the judges of the Tribunal, (ii) pay of the special prosecuting agency, (iii) the pay of the special police, and (iv) the pay of the ministerial and menial staff ; if not, what are the expenses including these items of expenditure ?

The Honourable Mr. D. J. Boyd : (a) and (b) Detailed information on these subjects was given in the reply to a question asked by another honourable member in June last year (question No. 873¹). A reference is invited in particular to the reply given to part (d) and part (a) of that question.

(c) The trial of Inderpal lasted from the 1st January, 1935, till the 12th April, 1935. Expenses amounting to Rs. 12,892-10-0 were incurred by Government in connection with it.

(d) The Tribunal which tried the Conspiracy Case examined 419 prosecution witnesses, 11 court witnesses and 202 defence witnesses. In the case against Inderpal 189 prosecution witnesses and 60 defence witnesses were called in the Sessions Court.

(e) The figures given in reply to part (d) of the earlier question included particulars as to the pay of the Commissioners, the cost of the subordinate establishment and fees to counsel. The cost of the police employed in connection with the trial was not included. This amounted to Rs. 86,899.

INCOME FROM STAMP.

***4648. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state per district the income from stamp during the first six months of the current calendar year ?

The Honourable Mr. D. J. Boyd : A statement is placed on the table.
Statement showing income from stamps for the period 1st January, 1935, to 30th June, 1935.

District.	Income.
	Rs.
Hissar	1,04,181
Rohtak	1,15,553
Gurgaon	74,181
Karnal	1,08,059
Ambala	1,72,037
Simla	41,910
Kangra	90,218
Hoshiarpur	2,35,121
Jullundur	3,18,521
Ludhiana	2,13,385
Ferozepore	2,45,065
Lahore	7,96,845
Amritsar	3,94,000
Gurdaspur	1,84,664
Sialkot	1,75,776
Gujranwala	1,44,159
Sheikhupura	92,135
Gujrat	1,13,909
Shahpur	1,53,081
Jhelum	1,00,476
Rawalpindi	2,75,383
Attock	77,297
Mianwali	82,709
Montgomery	1,57,675
Lyallpur	2,71,417
Jhang	1,12,999
Multan	1,95,370
Muzaffargarh	85,519
Dera Ghazi Khan	65,388

INCOME FROM THE EXCISE DEPARTMENT.

***4649. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state the income from the Excise Department for the first quarter of the present financial year and how it compares with the income during the same period of the preceding financial year ?

The Honourable Mr. D. J. Boyd : The gross excise revenue of the Punjab for the months of April, May and June 1934 and 1935 is given below :—

	1934.	1935.
	Rs.	Rs.
April	5,82,903	6,12,992
May	9,10,372	8,62,118
June	7,24,321	7,04,633
Total	22,17,596	21,79,743

COGNIZABLE CASES.

***4650. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state the total number of cognizable cases reported at the police stations in the districts of Rohtak, Ludhiana and Gurdaspur, in the first six months of the current calendar year ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table.
Statement showing the total number of cognizable cases reported to the police in the Rohtak, Ludhiana and Gurdaspur districts during the first six months of 1935.

District.	Police Station.	Number of cases reported from the 1st January to the 30th June, 1935.	
I. Rohtak	Rohtak	53	
	Mehm	46	
	Kalanaur	31	
	Beri	24	
	Jhajjar	48	
	Bahadargarh	54	
	Salhawas	20	
	Sonepat	41	
	Gannaur	29	
	Rai	32	
	Sampla	39	
	Gohana	47	
	Baroda	49	
		Total	513
II. Ludhiana	Ludhiana City	79	
	Ludhiana Sadr	85	
	Delhon	54	
	Sahnewal	19	
	Dakha	19	
	Shahna	18	
	Sidhwan Bet	21	
	Jagraon	74	
	Raikot	38	
	Khanna	52	
	Sarnala	27	
	Machiwara	13	
		Total District Police	490
		Railway Police Station, Ludhiana	29
	Railway Police Station, Sangrur	21	
	GRAND TOTAL	549	
III. Gurdaspur	Gurdaspur Sadr	90	
	Dinanagar	39	
	Kalanaur	43	
	Rania	48	
	Pathankot	97	
	Dalbousie	12	
	Sadr Batala	121	
	City Batala	39	
	Srigobindpur	86	
	Fatehgarh	28	
	Dera Baba Nanak	39	
	Kahnuwan	21	
	Chhama	35	
	Shahgarib	41	
	Kot Nainan	32	
Narot Jaisal Singh	36		
	Total (District Police)	807	
	Railway Police Station, Gurdaspur	7	
	GRAND TOTAL	814	

JAIL APPEALS AND SESSIONS CASES.

***4651. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) the number of jail appeals and their proportion to the total number of appeals in the province in 1925 and in 1934, respectively ;
- (b) the number of sessions cases in which accused persons were defended at the cost of the Crown and the proportion of such cases to the total number of sessions cases in the province in 1925 and 1934, respectively ?

The Honourable Mr. D. J. Boyd : (a) and (b). A statement is laid on the table.

Statement.

Year.	Total number of criminal appeals.	Total number of jail appeals.	Proportion of jail appeals to the total number of appeals.	Number of sessions cases.	Number of sessions cases in which accused were defended at Government expense.	Proportion of sessions cases in which accused were defended at Government expense to the total number of sessions cases.
1925 ..	*9,778	*2,827	1 : 3·4	729	76	1 : 9·6
1934 ..	14,698	5,794	1 : 2·5	954	204	1 : 4·6

*These figures are not complete as certain records in the Jullundur and Dera Ghazi Khan districts have been destroyed.

GRANTS-IN-AID.

***4652. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state the figures of grants-in-aid separately for the five divisions in the years 1925 and 1934, respectively ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the printed statements of grants-in-aid sanctioned for privately managed and board secondary schools during the years 1924-25 to 1928-29 and 1929-30 to 1933-34, copies of which have already been supplied to him.

WATER SUPPLY IN RURAL AREAS.

***4653. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the amount spent for the improvement of water-supply in rural areas in 1930, 1931, 1932, 1933 and 1934, respectively ;
- (b) the amount which was spent in the Ambala division out of the amount referred to in (a) ?

The Honourable Malik Sir Firoz Khan Noon : A statement furnishing the required information is placed on the table.

Statement showing the amount spent on improvement of water supply in rural areas in the Punjab, and the amount expended therefrom in the Ambala division, during the years 1930-31 to 1934-35.

Years.	Amount spent in the Punjab.	Amount spent in Ambala division.	REMARKS.
	Rs.	Rs.	
1930-31	24,617	8,117	
1931-32	19,052	..	
1932-33	864	..	
1933-34	66,463	6,544	
1934-35	29,204	3,409	
Total	1,40,200	18,070	

GARNISHEE SUITS AND LOSS OF STAMP DUTY.

***4654. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state for the province district-wise during 1933 and 1934—

- (a) the number of what are known as garnishee suits ;
- (b) the number of these suits in the Rohtak district in which the original decree was obtained by means of private arbitration thus avoiding payment of court fees on the usual scale ;
- (c) the amount in respect of which garnishee proceedings were had ;
- (d) the amount of the loss of stamp duty caused by resort to garnishee suits district-wise ?

The Honourable Mr. D. J. Boyd : (a) to (d) A statement is laid on the table.

DISTRICT INSPECTOR OF SCHOOLS, ROHTAK, AND THE NUMBER OF STUDENTS IN GOVERNMENT SCHOOLS.

***4655. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state the amount of fall in the number of students reading in the Government schools within the jurisdiction of the District Inspector of Schools, Rohtak, during the two years preceding the time when the present District Inspector of Schools of Rohtak took over charge and the rise in the number of students which has taken place since he took over charge ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

DISTRICT INSPECTOR OF SCHOOLS AND REDUCTION IN THE COST OF EDUCATION IN ROHTAK DISTRICT.

***4656. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state whether any reduction in the cost of education per head in the Rohtak district has taken place since the present District Inspector of Schools was posted to Rohtak ?

The Honourable Malik Sir Firoz Khan Noon : Yes, there has been a little decrease. It will, however, interest the honourable member to know that there has been still greater decrease in several other districts.

DISTRICT INSPECTOR OF SCHOOLS, ROHTAK, AND IMPROVEMENT IN THE ATTENDANCE OF SCHOLARS IN ROHTAK.

***4657. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state whether any improvement in the attendance of scholars on the rolls has taken place since the present District Inspector of Schools was posted to Rohtak ?

The Honourable Malik Sir Firoz Khan Noon : Yes, there has been an improvement. It will, however, interest the honourable member to know that there has been a still greater improvement in several other districts.

DISTRICT INSPECTOR OF SCHOOLS, ROHTAK AND RURAL UPLIFT.

***4658. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state whether the staff of the Education Department has rendered any special help to the work of rural uplift since the present District Inspector of Schools was posted to Rohtak ?

The Honourable Malik Sir Firoz Khan Noon : Yes. The honourable member will be interested to know that the district inspecting staff in almost every district is taking great interest in rural reconstruction.

NOTIFIED AREA COMMITTEE AND BUILDING TAX.

***4659. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government please state—

(a) whether a Notified Area Committee has been established at Khaur by *Gazette* notification No. 18896, dated the 10th June, 1930 :

- (b) whether the area co-terminates with the limits of the Attock Oil Company, Limited ;
- (c) whether the employees of the company were assessed to a tax before the establishment of the said committee by the Attock District Board, out of which Rs. 4,000 were actually realized ;
- (d) whether the Notified Area Committee has been established to save the employees of the company from the District Board tax ;
- (e) the total income of the said committee since its establishment and a brief statement of the work done by the committee ;
- (f) whether it is a fact that the committee has only existed in name without transacting any business ;
- (g) whether the inhabitants of Khaur presented in writing their grievances on the matter to the Honourable Minister on the occasion of his visit to the place ;
- (h) whether the inhabitants of Khaur have made representations to the President of the Notified Area Committee itself, the Sub-Divisional Officer, Pindigheb, the Deputy Commissioner, Attock, the Commissioner of the division and finally to the Honourable Minister himself to the effect that they should also be allowed representation on the committee ;
- (i) if so, with what result ;
- (j) whether so far, the only members are the representatives of the Oil Company and one contractor of the company ;
- (k) whether the committee has imposed a building tax at the rate of 9 pies per square yard ;
- (l) whether any other committee in the province has imposed a similar tax on buildings ;
- (m) if not, whether Government proposes to take steps to abolish the tax ;
- (n) whether the Government is prepared to take any action in the matter otherwise to remove the just grievances of the people ?

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

(b) Yes.

(c) The employees of the Company were assessed to a tax by the District Board before the establishment of the Notified Area. The amount of tax realised was Rs. 2,669.

(d) No.

(e) The Notified Area Committee has so far realised no income and done no work.

(f) Yes.

(g) Probably but none has been traced.

(h) Certain representations were received by the Deputy Commissioner, Attock, who is also the President of the Committee, but there is no record of any representations made to the Commissioner.

(i) One more non-official was appointed a member of the Committee.

(j) No. The Sub-Divisional Officer, Pindigheb, and Malik Ghulam Mohammad Khan, Zaildar of Khaur, who is not a contractor of the Company, are also members of the Committee.

[Hon. Dr. Sir Gokul Chand Narang.]

(k) Yes. The Committee has imposed a tax, at the rate of 9 pies per square yard of the area under the buildings.

(l) No.

(m) No.

(n) The Deputy Commissioner is being asked to inquire from the inhabitants if they have a grievance and then to report to Government.

RESTRICTIONS ON THE SALE OF THE PUNJAB POLICE RULES, VOLUME II.

***4660. Khwaja Muhammad Eusoof :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that the Inspector-General of Police, Punjab, has stopped the sale of the Punjab Police Rules, Volume II, revised edition (1934), except with his previous sanction ;
- (b) whether it is a fact that no such restriction has been placed on the sale of Volume I of these Rules ;
- (c) whether it is a fact that never in the past has any such restriction been placed on the sale of any volume of the Punjab Police Rules ;
- (d) the grounds on which this restriction on the sale of Volume II of the Punjab Police Rules, 1934, has been deemed to be necessary and expedient ;
- (e) the conditions on which sanction for purchase of Volume II of these Rules can be obtained from the Inspector-General of Police, Punjab ,
- (f) whether the Government is prepared to consider the desirability of removing this restriction ?

The Honourable Mr. D. J. Boyd : (a), (b) and (d) Only 2,000 copies of the new addition were printed. Demands for copies from other provinces and Indian States were unexpectedly high. Government desire if possible to avoid the expense of reprinting and have restricted sales accordingly. This applies to all the volumes, not Volume II alone.

(e) Yes.

(f) There are no special conditions. The sale of Volume II, as of the other volumes, will be authorised so far as the limited edition admits.

(g) As stated above, Government are anxious to postpone the expense of reprinting for as long as possible, and are not prepared to remove reasonable restrictions designed to serve that end.

**JUNIOR VERNACULAR AND SENIOR VERNACULAR CLASSES
AND STATUTORY AGRICULTURISTS AMONG THEM.**

***4661. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of candidates admitted to the Junior Vernacular class at Jullundur in 1934 and 1935 from the Ambala division ;
- (b) the number of Hindus, Muslims and Sikhs among the persons referred to in (a) and the number of statutory agriculturists in each of the three groups ;

(c) the particulars referred to in (a) and (b) with regard to the candidates admitted to the Senior Vernacular class at Gakhar ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

1984	..	..	..	..	..	2
1985	..	..	..	..	..	59

(b) (i) Number of candidates admitted—

—		Hindu.	Muslim.	Sikh.	Others.
1934	.. ..	1	..	..	1
1935	.. ..	29	23	3	4

(ii) Number of statutory agriculturists :—

—		Hindu.	Muslim.	Sikh.	Others.
1934	.. ..	1	..	..	..
1935	.. ..	20	20	3	..

(c) Number of candidates admitted :—

—		Hindu.	Muslim.	Sikh.	Others.	Total.
1934	.. ..	..	..	..	..	..
1935	.. ..	9	4	..	1	14

(ii) Number of statutory agriculturists :—

—		Hindu.	Muslim.	Sikh.	Others.
1934	.. ..	..	..	..	..
1935	.. ..	8	4	..	..

It may be added for the honourable member's information that at present in the Ambala division there are more trained Junior Vernacular and Senior Vernacular teachers than can find employment.

STATUTORY AGRICULTURISTS IN THE POLICE DEPARTMENT.

***4662. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

(a) whether it is a fact that the proportion of Muslims, Hindus and Sikhs in the cadre of the assistant sub-inspectors, head constables and constables is (i) 64·5, 20·9, 14·6, (ii) 68·3, 23·3, 8·3, and (iii) 74·7, 17·5 and 7·7, respectively ;

[R. B. Ch. Chhotu Ram.]

- (b) what steps the Government proposes to take to set the disproportion right ;
- (c) the number of assistant sub-inspectors and constables recruited during the years 1932, 1933, 1934 and 1935 ;
- (d) the number of Muslims, Hindus and Sikhs among the persons referred to in (c) and the number of statutory agriculturists under each of the three principal groups ;
- (e) the reasons why the present disproportion has remained unnoticed during the last few years, and if it has come to notice the steps which have been taken to redress the disproportion from year to year ?

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

(b) Attempts to introduce a larger non-Muslim element, and particularly a larger element of agriculturist Hindus and Sikhs, into the lower ranks of the Police have hitherto had somewhat disappointing results, the number and qualifications of Hindu agriculturists presenting themselves not being such as to enable them to compete successfully with candidates of other classes. The proportion of non-Muslims has risen in recent years but the number of vacancies occurring in any one year is not sufficient for fresh enrolments to have a marked effect on percentages in a force of some 28,000 men.

(c) Year				A. S. Is.	F. Cs.
1932	..	..	..	1	836
1933	..	..	..	20	950
1934	..	..	..	15	1,107
1935	..	..	..	31	668
Total				67	3,561

(d) A statement is laid on the table.

Statement.

Year.	ASSISTANT SUB-INSPECTORS.						POOR CONSTABLES.					
	Muslims. Hindus.				Sikhs.		Muslims.		Hindus.		Sikhs.	
	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.	Agriculturists.	Non-agriculturists.
1932	1	..	..	..	..	..	571	42	68	64	94	7
1933	10	1	..	3	..	1	541	55	111	69	159	15
1934	10	..	1	1	3	..	611	81	141	115	136	23
1935	16	2	..	7	6	..	332	46	70	61	144	15
Total	37	3	1	11	14	1	2,055	224	380	309	533	60
					67						3,561	

(e) So far as the Sikhs are concerned they have no cause for complaint in regard to recruitment in recent years ; 22·4 per cent. of the appointments in the rank of assistant sub-inspector and 16·6 per cent. in that of foot constable having gone to them, as against their percentage of 14·3 in the total population of the province. In the case of Hindus the figures for the same period were 17·9 per cent. of the appointments in the rank of assistant sub-inspector and 19·3 per cent. in the rank of foot constable, as against their population percentage of 30·22. The reasons for the comparatively low percentage in the case of the Hindus has been explained in the reply to part (b) of the question. I should like to add that everything possible is being done to encourage the enrolment of Hindu candidates of the required type.

AGRICULTURAL LAND UNDER MORTGAGE.

*4663. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Member for Revenue kindly state in respect of Jahangirpur and Patauda villages of Jhajjar tahsil, Mohana and Rathdhana villages of Sonapat tahsil, Khidwali and Ismaila villages in Rohtak tahsil and Kathura and Anwali villages in Gohana tahsil of the Rohtak district—

(a) the area of agricultural land mortgaged in the trienniums of 1918 to 1920, 1925 to 1927 and 1932 to 1934, respectively ;

(b) the amounts for which the area referred to in (a) was mortgaged ?

The Honourable Nawab Muzaffar Khan : A statement is laid on the table.

Statement.

Tahsil.	Names of villages.	THE AREA OF AGRICULTURAL LAND MORTGAGED AND THE AMOUNT FOR WHICH MORTGAGED.					
		1918 to 1920.		1925 to 1927.		1932 to 1934.	
		Area in acres.	Amount.	Area in acres.	Amount.	Area in acres.	Amount.
Jhajjar	Jahangirpur ..	128	Rs. 13,780	38	Rs. 5,683	34	Rs. 3,494
	Patauda ..	90	2,739	93	3,850	173	9,291
Sonapat	Mohana ..	54	5,380	66	11,329	56	9,557
	Rathdhana ..	30	5,047	64	16,430	47	12,493
Rohtak	Khidwali ..	31	2,378	55	4,780	55	5,915
	Ismaila 9 Biswas*	40	4,708	31	5,938	62	13,856
	Ismaila 11 Biswas*	49	5,723	108	17,487	77	9,070
Gohana	Kathura ..	85	10,451	78	12,936	82	13,116
	Anwali ..	59	8,746	49	16,900	19	5,244

*"Ismaila 9 Biswas" and "Ismaila 11 Biswas" are the names of two villages lying close to each other and having separate records of rights.

AGRICULTURAL LAND UNDER MORTGAGE.

***4664. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state in respect of Thana Khurd, Thana Kalan and Panchi villages of Sonapat tahsil, Roorki village in Rohtak tahsil, Asaudah village in Jhajjar tahsil and Bhainsawal village in Gohana tahsil of the Rohtak district—

- (a) the area of agricultural land belonging to statutory agriculturists mortgaged to other statutory agriculturists in lieu of the debt owed to non-agriculturist money-lenders during the last ten years ;
 (b) the number of the transactions referred to in (a) ;
 (c) the amount of mortgage money in the cases referred to in (a) ?

The Honourable Nawab Muzaffar Khan : A statement is laid on the table.

Statement.

Tahsil.	Name of the villages.	a	b	c
		The area of agricultural land belonging to statutory agriculturists mortgaged to other statutory agriculturists in lieu of the debt owed to non-agriculturist money-lenders during the last ten years.	The number of transactions referred to in (a).	The amount of mortgage money in the cases referred to in (a).
		Acres.		Rs.
Sonapat	Thana Khurd ..	1.65	1	220
	Thana Kalan ..	125.45	69	26,638
	Panchi Jatan ..	4.14	5	1,120
Rohtak	Roorki ..	110.38	46	33,395
Jhajjar	Asaudah Siwan ..	17.87	9	1,936
	Asaudah Todran ..	33.50	13	4,159
	Total of Asaudah (both).	51.37	22	6,095
Gohana	Bhainsawal ..	Nil	Nil	Nil

CENTRAL WATER COURSE ON THE TAIL OF ROORKI MINOR.

***4665. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) the area commanded by the central watercourse on the tail of the Roorki minor in the Rohtak district ;
 (b) the intensity of irrigation permitted in this area ;
 (c) the average annual area irrigated on this tail during the last three years ?

The Honourable Nawab Muzaffar Khan : (a) The culturable area commanded is 1,285 acres.

(b) 40 per cent.

(c) 315 acres.

DISCHARGE* AT THE HEAD AND TAIL OF THE ROORKI MINOR.

***4666. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

(a) the sanctioned discharge of the head of the Roorki minor in the Rohtak district and the average daily discharge during the months of November and December, 1934, and January, February and March, 1935 ;

(b) the particulars referred to in (a) with regard to the tail of the Roorki minor ?

The Honourable Nawab Muzaffar Khan : (a) The authorised full supply discharge is 8·8 cusecs. The average daily discharge was —

				Cusecs.
November 1934	..	..	..	7·74
December 1934	..	..	..	7·95
January 1935	..	..	..	7·68
February 1935	..	..	..	Nil.
March 1935	..	..	..	8·14

(b) The authorised full supply discharge is 3·93 cusecs. The average daily discharge was—

				Cusecs.
November 1934	..	..	..	3·10
December 1934	..	..	..	3·19
January 1935	..	..	..	3·42
February 1935	..	..	..	Nil.
March 1935	..	..	..	3·08

CHANGES IN THE HEAD PORTION OF THE ROORKI MINOR.

***4667. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state whether Mr. Rose, Executive Engineer of the Delhi division proposed any changes in the head portion of the Roorki minor, and if so, whether those changes have been carried out, and if not, why not ?

The Honourable Nawab Muzaffar Khan : No change in the head portion of the Roorki minor was proposed by Mr. Rose.

Other parts of the question do not arise.

LAND SOLD AND MORTGAGED BY PRIVATE OWNERS.

***4668. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly lay on the table of the House a statement showing for the province as a whole the amount of land (a) sold and (b) mortgaged by private owners during the triennia of 1918 to 1920, 1925 to 1927 and 1932 to 1934 ?

The Honourable Nawab Muzaffar Khan : A statement showing total area sold and mortgaged is placed on the table.

Statement.

Year.	Area sold, (acres).	Area mortgaged (acres).
1918	188,704	261,701
1919	232,119	275,506
1920	242,620	332,833
Total triennium	663,443	870,040
1925	241,677	347,912
1926	241,843	377,902
1927	251,878	347,217
Total triennium	735,398	1,073,032
1932	198,251	375,275
1933	209,060	420,545
1934	206,733	377,401
Total triennium	614,044	1,173,221

Separate figures for private owners are not available.

BHAKRA DAM PROJECT AND THE PUNJAB STATES.

***4669. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state the progress, if any, which has been made in the negotiations with the Punjab States concerned in relation to the Bhakra Dam Project ?

The Honourable Nawab Muzaffar Khan : An informal discussion with the Agent to the Governor-General, Punjab States, took place in April 1935 but so far no real progress has been made.

REVISED SCALES OF PAY OF THE PROVINCIAL SERVICES.

***4670. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) when the question of revising the scales of pay of the various provincial services first began to be considered ;
- (b) whether the consideration is yet complete ;
- (c) if the answer to (b) is in the affirmative, when the new scales will be announced ;
- (d) whether any non-official opinion was consulted in the matter of fixing the new scales of pay ;
- (e) if the answer to (d) is in the affirmative, what are the non-official agencies consulted, and if the answer is in the negative, what are the reasons for not consulting non-official opinion ?

The Honourable Mr. D. J. Boyd : (a) In 1932.

(b) Yes.

(c) Shortly.

(d) and (e). The recommendations of the Retrenchment Committee were taken into consideration.

PUNITIVE POLICE POSTS.

***4671. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state—

- (a) the number of punitive police posts established in the province during the last twelve months ;
- (b) the period for which these posts were sanctioned ;
- (c) the amount of punitive charges which will be levied from the people ;
- (d) whether any non-official opinion was consulted in respect of any of these posts with regard to the advisability or strength or period of these posts ?

The Honourable Mr. D. J. Boyd : (a), (b) and (c). A statement is laid on the table.

(d) The honourable member will remember the debate on a resolution moved by him in this Council last October. As I explained to the House then the people concerned do have ample opportunities of stating their case against proposals for the employment of additional police. In the second of the two cases included in the list which I have just laid on the table, the Rohtak case, Government received a lengthy representation from the honourable member himself ; and the most careful attention was given to that representation before any orders were passed.

Statement showing additional police posts newly established in the Punjab under section 15 of the Police Act, 1861, during the twelve months ending on the 25th June, 1935.

Locality.	Date from which located.	Period for which the additional police have been sanctioned.	Cost.			
			Rs.	A.	P.	
1. Mangli (Hissar district)	20-7-34	Two years ..	1st year ..	5,319	1	3
			2nd year ..	4,794	1	3
			Total ..	10,113	2	6
2. Thirty-two villages in the Rohtak district and three mohallas of Rohtak city.	22-9-34	One year ..		73,060	0	0
3. Marh Baloohan (Sheikhupura district) and No. 19-J. B. (Lyallpur district).	15-11-34	Two years ..	1st year ..	7,627	12	3
			2nd year ..	5,877	12	3
			Total ..	13,505	8	6

FORECAST OF THE PRODUCE OF WHEAT AND COTTON.

***4672. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that the Department of Agriculture issues forecasts of the produce of wheat and cotton at various intervals of the *kharif* and *rabi* harvests ;
- (b) whether there are any formal and recognised arrangements under which non-official opinion can be consulted in this matter ;
- (c) if the answer to (b) is in the negative, whether the Government proposes to make such arrangements ;
- (d) if the answer to (b) is in the affirmative, which associations or individuals were consulted before the last forecast of the yield of wheat was issued ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes.

(c) Does not arise.

(d) In accordance with the standing orders, tahsildars are required to check their estimates of these crops by enquiry from leading agriculturists and others. Government do not consider that the labour involved in enquiring from all tahsildars, which persons or associations they consulted before the last wheat forecast was issued, would in the circumstances be justified.

Sardar Sahib Sardar Ujjal Singh : Is not Government aware that there has been a general complaint about overestimating of the yield of the last *rabi* crop ?

The Honourable Sardar Sir Jogendra Singh : I have heard it stated that the crop was overestimated but when the estimates were made it could not be foreseen that any damage would be done to the crop before it ripened.

Sardar Sahib Sardar Ujjal Singh : Have the Government tried to check their figures from the stocks held in various markets ?

The Honourable Sardar Sir Jogendra Singh : No.

Khan Bahadur Malik Zaman Mehdi Khan : Have the Government taken into consideration the fact that because there has been damage to the *rabi* crops therefore remission should be greater ?

The Honourable Sardar Sir Jogendra Singh : It does not concern me.

The Honourable Nawab Muzaffar Khan : I gave a full statement to that effect only a few days ago and in that statement the amount of remission on account of damage to wheat was given.

 DEMONSTRATION FARMS.

***4673. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly lay on the table of the Council a statement in

respect of the most successful demonstration farm of the department showing—

- (a) the area of the farm ;
- (b) whether the whole area of the farm constitutes one compact block ;
- (c) whether there are any irrigation facilities available to this farm ;
- (d) whether this farm is cultivated directly or through tenants ;
- (e) the gross income from this farm during each of the last three years ;
- (f) the cost of production including the salaries of the staff engaged on supervision, the depreciation of buildings attached to the farm and the upkeep of the bullocks, if the farm is one under direct cultivation ?

The Honourable Sardar Sir Jogendra Singh : There are no demonstration farms under the management of the Department of Agriculture. One of the most important seed farms is that at Risalewala near Lyallpur. The honourable member will find complete information regarding economic conditions on this farm in the annual publications of the Board of Economic Enquiry entitled " Farm Accounts in the Punjab " which are in the Council Library.

CO-OPERATIVE SELLING OF AGRICULTURAL PRODUCE BY FARMERS.

***4674. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state whether he has introduced any scheme under which co-operative selling of agricultural produce by farmers is possible ?

The Honourable Sardar Sir Jogendra Singh : The existing agencies for co-operative sale of agricultural produce are the co-operative commission shops, for details of whose working the honourable member is referred to the annual reports of the Co-operative Department. The development of co-operative organizations for the sale of sugarcane is being taken in hand, with the help of the grant-in-aid from the Government of India. The Government are awaiting the result of enquiries which are being conducted by the marketing staff under the control of the Director of Agriculture before undertaking any further scheme of co-operative marketing.

CHARGES BY *ARHTIS* IN MANDIS.

***4675. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) the number and nature of charges made by *arhtis* in the various *mandis* of the province from farmers when they purchase the articles of their need from shopkeepers or sell their produce through *arhtis* ;
- (b) what happens to the proceeds of these charges ;
- (c) whether the Government has made any rules or enacted any legislation whereby these charges can be regulated or the proceeds thereof can be devoted to the purposes for which they are ostensibly made ;

[R. B. Ch. Chhotu Ram.]

(d) if the answer to (c) be in the negative, whether the Government intends to enact any law for regulating the levy of these charges and for controlling the expenditure of their proceeds ?

The Honourable Sardar Sir Jogendra Singh : (a) and (b) The attention of the honourable member is invited to publication No. 39 of the Board of Economic Enquiry—Market Practices in the Punjab, 1934.

(c) No.

(d) Not at present.

RELIEF TO AGRICULTURISTS.

***4676. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Finance kindly state what steps he proposes to take in order to give relief to agricultural classes in their share of the burden of taxation in view of the alarming fall in the prices of agricultural produce and in order to raise fresh revenue to make good the loss caused by the relief to be afforded in land taxes ?

The Honourable Mr. D. J. Boyd : In his reference to the share of the burden of taxation borne by the agricultural classes, I presume that the honourable member is referring mainly to land revenue and cesses, water rates and local rate, although land revenue and water rates cannot correctly be called taxation. Since *kharif* 1930 special remissions of land revenue to the extent of Rs. 1,76,00,000 have been granted in view of the fall in prices. Similarly large sums of water rates have been remitted. A sliding scale of assessment has been introduced in the Lower Bari Doab Colony and will be applied in the Lyallpur Settlement. Re-settlements automatically adjust the burden of land revenue when any continuous fall in prices has occurred.

With regard to the raising of fresh revenues, the honourable member is aware that the provisions of sections 54, 107 and 123 of the Transfer of Property Act have been applied to all municipalities and notified areas in the Punjab with effect from the 6th May, 1935, making compulsory the registration of deeds of sales, leases and gifts in respect of immovable property in these areas. The measure is expected to increase the provincial revenues by about Rs. 3 lakhs annually.

The Punjab Tobacco Vend Fees Act, 1934, came into force during the current financial year, and a revenue of Rs. 80,000 is expected from this source during the current financial year.

The Government have introduced a Bill for the imposition of a tax upon entertainments.

Sardar Sahib Sardar Ujjal Singh : What is the estimate that the Government has formed of the proceeds from the proposed entertainments tax ?

The Honourable Mr. D. J. Boyd : The estimate is an extremely rough one. I very much doubt whether it is accurate. It is Rs. 2 lakhs but in view of the experience of Bombay and Bengal we hope it will bring in a bit more.

ELECTIONS IN THE DISTRICT BOARD CONSTITUENCIES.

*4677. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Local Self-Government kindly lay on the table of the Council a statement showing for the districts of Rohtak and Hissar—

- (a) the names of the candidates who contested elections in the various constituencies of the district board ;
- (b) the total number of votes in each constituency ;
- (c) the number of the votes actually polled in each constituency ;
- (d) the number of votes obtained by each candidate ;
- (e) the names of the candidates who had been put forward officially by the Congress and who did not repudiate the Congress ticket ;
- (f) the names of the candidates returned unopposed ?

The Honourable Dr. Sir Gokul Chand Narang : Two statements giving the available information in respect of the last elections are laid on the table. The information asked for in part (e) of the question is not available in the case of Hissar.

Statement.

1	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
1. Bhiwani ..	Arshad, son of Wazir Ali, Rajput, of Gujrani, tahsil Bhiwani. Risal Singh, son of Ram Nath, Rajput, of Bhiwani Lohar.	1,558	883 (Two votes were invalid).	290 591	....
2. Tigrana ..	..	1,628	..	..	Charanjit Singh, son of Gahar Singh, Rajput, of Bhiwani.
3. Bahal ..	..	1,427	..	..	Sheo Ram, son of Sudha, Jat of Patwan.
4. Kairo ..	Mohabat Singh, son of Khushal Singh, Jat, of Kharkri Makhwan, tahsil Bhiwani. Harjee, son of Salam, Jat, of Thalod, tahsil Bhiwani.	1,555	1,167	566 611	....

[Hon. Dr. Sir Gokul Chand Narang.]

1	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
5. Tosham ..	Bairi Sal Singh, son of Surat Singh, Rajput, of Dhani Mahn, tahsil Bhiwani. Ghafoor Khan, son of Sahib Dad, Rajput, of Bahiyali, tahsil Hansi. Niaz Muhammad Khan, son of Muhammad Khan, Rajput, of Nigana Kalan, tahsil Bhiwani.	1,830	1,214	241 360 613	......
6. Khot Kalan	Kundan, son of Teja, Jat, of Mirjpur, tahsil Hansi. Vijai Singh, son of Dewat Ram, Jat, of Mirjpur, tahsil Hansi.	1,473 ..	1,309 ..	513 796	....
7. Ghirai ..	Sheo Karan, son of Khuba, Jat, of Kapro, tahsil Hansi. Lihlu, son of Sheo Ram, Jat, of Kapro, tahsil Hansi.	1,588 ..	1,300 (One was invalid). ..	509 799	....
8. Dhanana ..	Indraj Singh, son of Subedar Surjan, Jat, of Dhanana, tahsil Hansi. Chuni Lal, son of Subedar Jita Singh, Jat, of Alakhpura Mazra Siwani, tahsil Hansi.	1,653 ..	1,466 (One was invalid). ..	848 617	....
9. Narnaund ..	Khem Chand, son of Tota, Jat, of Sisai Bola, tahsil Hansi. Mam Chand, son of Maisukh, Jat, of Sisai Bola, tahsil Hansi.	1,495 ..	1,108 ..	607 501	....
10. Khanda Kheri.	Maiya, son of Harnath, Jat, of Kharkhara, tahsil Hansi. Mukh Ram, son of Raja Ram, Jat, of Petwar, tahsil Hansi.	1,268 ..	973 ..	423 550	....

1	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
11. Bas ..	Bharat Singh, son of Sukh Lal, Jat, of Bas Khurd Bejan, tahsil Hansi. Kishan Lal, son of Maidhan, Jat, of Ugalan, tahsil Hansi.	981	895	442	..
12. Hansi ..	..	1,638	..	453	Uggar Sain, son of Sardar Singh, Mahajan, of Hansi.
13. Unara ..	..	1,415	..	..	Amin Lal, Subedar, son of Sarda Ram, Jat, of Majadhpur, tahsil Hansi.
14. Budhlada..	Indar Singh, son of Ishar Singh, Jat, Sikh, of Kuleri, tahsil Hissar. Mehr Singh, son of Bukhtawar Singh, Jat Sikh, of Bichhuwana, tahsil Hissar.	1,822	1,268 (One was invalid).	652	..
15. Patan ..	Ibrahim, son of Nur Muhammad, Rajput, of Mangali Aqlan, tahsil Hissar. Dewat Ram, son of Har Lal, Mahajan, of Mangali Mahabat, tahsil Hissar.	1,483	1,059 (Two were invalid).	758	..
16. Satrod ..	..	1,524	..	299	Naunihal Singh, son of Harji Ram, Jat, of Dabra, tahsil Hissar.
17. Balsamand	Lajje Ram, son of Hem Raj, Mahajan, Pleader, Hissar. Het Ram, Rai Sahib, son of Hanwant Ram, Jat, of Daulatpore, tahsil Hissar.	1,829	1,448 (Two were spoiled).	503	..

[Hon. Dr. Sir Gokul Chand Narang.]

1	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
18. Kharar ..	..	1,298	..	..	Ram Singh, son of Hans Ram, Jat, of Bugana, tahsil Hissar.
19. Balak ..	..	1,324	..	..	Rullia, son of Jag Ram, Jat, of Balak, tahsil Hissar.
20. Pirbhuwala	Phuli, son of Jog Raj, Jat, of Latani, tahsil Hissar.	1,252	1,001 (One was invalid).	521	..
	Sohan Lal, <i>alias</i> Sohna, son of Hanwant Ram, Jat, of Daultpore, tahsil Hissar.	..	..	479	..
21. Tohana ..	Ali Hassan Khan, son of Alahdad Khan, Pathan, of Tohana, tahsil Hissar.	2,251	1,608	546	..
	Muhammad Ramzan Khan, son of Muhammad Hayat Khan, Pathan, of Tohana, tahsil Hissar.	..	..	1,062	..
22. Bhattu-Kalan.	..	1,605	..	..	Ram Gopal, son of Sheoji Singh, Gujar, of Kukranwali, tahsil Fatehabad.
23. Alika (tahsil Fatehabad)	Balwant Singh, son of Hazura Singh, Jat Sikh, of Ratia, tahsil Fatehabad.	1,870	103	77	..
	Habibullah, son of Rahimullah, Sheikh Qureshi, Mohalla Maimaran, Hissar.	..	..	26	..

	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
24. Fatehabad	<p>Qutab-ud-Din, son of Abdul Ghani, Rajput Pachada, of Basti Bhiwan, tahsil Fatehabad.</p> <p>Muhammad Saddiq, son of Mustakim, Rajput Pachada, of Bighar, tahsil Fatehabad.</p> <p>Muhammad Lal Khan, son of Hussain Khan, Rajput Pachada, of Basti Bhiwani, tahsil Fatehabad.</p>	1,461	994	372	..
25. Agroha ..	<p>Surja, son of Uday Ram, Jat, of Gorakhpur, tahsil Fatehabad.</p> <p>Molu, son of Mamraj, Jat, of Mochiwali, tahsil Fatehabad.</p> <p>Harpul Singh, son of Moman, Jat, of Gorakhpur, tahsil Fatehabad.</p>	1,279	1,050	251	..
26. Pabra ..	<p>Udmi, son of Dhania, Jat, of Pabra, tahsil Fatehabad.</p> <p>Kanhun, son of Dhani Ram, Jat, of Nehla, tahsil Fatehabad.</p>	1,134	973	570	..
27. Chuli Bagriana.	<p>Lajpat Rai, Rai Sahib, son of Jawala, Jat, of Sisai Bola, tahsil Hansi.</p> <p>Hardeo Sahai, son of Mutsadi Lal, Mahajan, of Satrod Khurd, tahsil Hissar.</p>	1,418	1,134	432	..
28. Dabwali ..	..	1,695	..	..	Nand Singh, son of Partap Singh, Jat Sikh, of Dabwali, tahsil Sirsa.

[Hon. Dr. Sir Gokul Chand Narang.]

1	2	3	4	5	6
Number and name of constituency.	Names of candidates who contested election in the constituencies against which they are shown.	Total number of votes in each constituency.	Number of votes polled in each constituency.	Number of votes obtained by each candidate.	Names of candidates who returned unopposed from the constituencies against which they are shown.
29. Rori ..	Diyal Singh, son of Chuhar Singh, Jat Sikh, of Thiraj, tahsil Sirsa. Sampuran Singh, son of Surmukh Singh Jat Sikh, of Kalanwali, tahsil Sirsa.	2,289 ..	1,379 ..	824 555	....
30. Arika (Sirsa)	..	1,531	..	..	Kala, son of Niku, Rajput, of Darbi, tahsil Sirsa.
31. Darba Kalan	..	1,437	..	..	Hardial, son of Dhaunkal, Jat, of Darba Kalan, tahsil Sirsa.
32. Rania ..	..	1,673	..	..	Barkat Ali Khan, son of Akbar Ali Khan, Rajput, of Rania, tahsil Sirsa.
33. Odhan ..	Har Chand, son of Nathu, Jat, of Kheowali, tahsil Sirsa. Harnam Singh, son of Mohar Singh, Jat Sikh, of Odhan, tahsil Sirsa.	1,920 ..	89 ..	70 19	....
34. Mangala ..	Abdulla, son of Farid, Rajput, of Kuttabadh, tahsil Sirsa. Qamar-ud-Din, son of Muhammad, Zaildar, Arain, of Mangala, tahsil Sirsa.	867 ..	684 .. (Five were invalid).	420 259	....

18	Matanbel	..	1. Jug Lal 2. Rai Sahib Kanhaya Lal	2,606	1. 320 2. 633 3. 1,003	Total 1,956	Jug Lal	..	..
19	Jharli	..	1. Jit Singh, Subedar. 2. Raj Karan 3. Jug Lal. 3. Phni Chand, Subedar. Nihaln	3,725	1. 180 2. 741 3. 938	Total 1,860	Jug Lal	..	..
20	Bedli	..	1. Chandhri Rup Chand, Pleader. 2. Pandit Siri Ram. 1. Narain Singh 2. Ram Kanwar. 1. Kehri Singh 2. Lachhmar.	2,626	1. 809	Total	Pandit Siri Ram	..	..
21	Jhajjar	..	1. Nathu Singh Captain Dalpat Singh	1,822	1. 644 2. 415 2. 662	Total 1,453 Total 1,077	..	..	..
22	Patanda	..	1. Sher Singh 2. Maya Ram.	1,498	1. 1,034 2. 845	Total 1,879	..	..	..
23	Mandaathi	..	1. Nathu Singh 2. Captain Dalpat Singh	3,346	1. 717 2. 683	Total 1,400	..	..	Nathu Singh. Captain Dalpat Singh.
24	Bahadurgarh	..	1. Lohri Singh 2. Qabul Singh. 1. Chandgi Ram 2. Jage.	2,593	1. 871 2. 703 1. 645 2. 624	Total 1,574 Total 1,269	..	..	..
25	Dignul	..	Dharam Singh	3,093	1. 826 2. 841	Total 1,667	..	..	..
26	Beri	..	1. Badn 2. Muhammad Ibrahim.	2,072	1. 871 2. 841	Total 1,667	..	..	..
27	Larsauli	..	1. Lohri Singh 2. Qabul Singh. 1. Chandgi Ram 2. Jage.	1,820	1. 871 2. 703 1. 645 2. 624	Total 1,574 Total 1,269	..	..	..
28	Rai	..	Dharam Singh	1,659	1. 826 2. 841	Total 1,667	..	..	..
29	Sonepat	..	1. Badn 2. Muhammad Ibrahim.	1,204	1. 826 2. 841	Total 1,667	..	..	..
30	Sardhana	..	Basant Singh	1,996	1. 826 2. 841	Total 1,667	..	..	..
31	Gannaur	..	Basant Singh	3,502	1. 601 2. 786	Total 1,387	..	..	..
32	Bhaigaon	..	1. Ficals 2. Kehri Singh. Chaudhri Tika Ram, Plea- der.	1,595	1. 601 2. 786	Total 1,387	..	..	..
33	Robat	..	Sardar Singh	2,557	1. 601 2. 786	Total 1,387	..	..	..
34	Jakhanli	..	Sardar Singh	3,333	1. 601 2. 786	Total 1,387	..	..	..

Talsil Sonepat.

Dharam Singh
Basant Singh.
Chaudhri Tika Ram, Plea
der.
Sardar Singh

TOWN IMPROVEMENT TRUST ACT.

***4678. Mr. Mukand Lal Puri :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) when the Town Improvement Trust Act was applied to Lahore ;
- (b) what steps have been taken towards the formation of a trust since the Act was applied ;
- (c) if not, why no steps have so far been taken ?

The Honourable Dr. Sir Gokul Chand Narang : (a) 1923.

(b) Two Committees were appointed, one under Mr. Langley and the other under Mr. Latifi in the years 1927 and 1933 to report on the practicability of the Act being enforced, and their report was that it was impracticable on the ground of expense.

(c) Recently however the question has been reconsidered by Government, and it is probable that steps will shortly be taken to constitute a Trust.

CONTRIBUTIONS TO THEIR MAJESTIES' SILVER
JUBILEE FUND.

***4679. Mr. Mukand Lal Puri :** Will the Honourable Finance Member be pleased to state—

- (a) the total amount contributed by the Punjab towards Their Majesties' Silver Jubilee Fund ;
- (b) the amount contributed by each community ?

Mr. F. H. Puckle (Chief Secretary) : (a) The cumulative totals of Their Majesties' Silver Jubilee Fund (Punjab Branch) are published in the press every week and the attention of the honourable member is drawn to the press reports. Roughly the total is Rs. 15,18,000.

(b) Government has no information and as the Silver Jubilee Fund is not a Government Fund, they do not propose to collect it.

BOOKS USED IN GOVERNMENT HIGH SCHOOL FOR GIRLS,
AMBALA CITY.

***4680. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) the names of the books included in the course of studies for the V and VI classes in Government High School for Girls, Ambala City, along with the supplementary books and atlases which the students are required to purchase ;
- (b) the cost of all such books ;
- (c) whether it is proposed to reduce the number of such books ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b)

<i>Name of book.</i>				<i>Price.</i>
<i>List of books used in V class.</i>				
				Rs. A. P.
Hindi V Reader ..	..	..	..	0 8 3
Hindi Grammar ..	..	..	..	0 4 0
Path Mala, Part V, in Hindi ..	..	..	..	0 5 0
Geography of India ..	..	..	..	0 10 0
Ganit Sangrah, Part II ..	..	..	..	0 5 9
Sugar Bibi ..	..	..	..	0 6 3
Tales of India ..	..	..	..	0 10 6
<i>Urdu books.</i>				
Urdu Reader, Part V ..	..	..	..	0 8 0
Kahaniyan in Urdu ..	..	..	..	0 6 5
Urdu Reader, Part V ..	..	..	..	0 11 3
Indian Geography Atlas ..	..	..	..	1 0 0
<i>List of books used in VI Class.</i>				
Hindi Grammar ..	..	..	..	0 6 0
Bal Ramayana ..	..	..	..	0 10 0
Hindi Reader, Part VI ..	..	..	..	0 6 6
Mathematics ..	..	..	..	1 10 0
History of India, Part I ..	..	..	..	0 9 6
Geography Alam, Part I ..	..	..	..	0 9 0
Muawin-ul-Sehat ..	..	..	..	0 8 0
Science Book ..	..	..	..	0 13 0
<i>Urdu books.</i>				
Mirat-ul-Urus ..	..	..	..	0 9 0
Guldastra-i-Mazamin ..	..	..	..	0 5 0
Qisas-i-Hind, Part I ..	..	..	..	0 2 3
Qawaid-i-Urdu ..	..	..	..	0 2 9
Urdu Reader, Part VI ..	..	..	..	0 11 9
English Primer ..	..	..	..	0 6 0
Indian Geography Atlas ..	..	..	..	1 0 0

No special supplementary book has been introduced in the school. The girls take such books from the school library.

(c) The Department is looking into the matter.

FISHERIES RESEARCH OFFICER.

*4681. **Shrimati Lekhwati Jain :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that the post of the Fisheries Research Officer was sanctioned in 1920 in the grade of Rs. 200—10—400 to carry on research on the breeding of fish for the purpose of stocking rivers and streams ;
- (b) whether it is a fact that the incumbent of this post was given a higher personal grade of Rs. 250—25—750 in the year 1929 ;
- (c) whether any results of any practical value have been shown in Fisheries Research and whether any rivers have been stocked with fish during the last 14 years ;
- (d) whether Government proposes to abolish this post ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) No, he was given a personal grade of Rs. 200—⁵⁰/₅—250—25—550/25—750.

(c) As stated in the review of the Annual Report on the Department of Fisheries, Punjab, for the year ending 31st May, 1933, much useful information has been collected on the research side and now that the Fisheries Research Officer is stationed at Lyallpur since August, 1932, under the supervision of superior officers experienced in research and where well equipped laboratories are available, it is hoped that definite progress will be achieved. The Fisheries Research Officer is at present undertaking further study at Cambridge and on his return it is proposed to put fisheries research on a sounder footing.

Research was undertaken at Chhenawan in the breeding of Carp. The difficulties experienced and the success obtained were explained in answer to part (d) of question No. *4098¹ replied to on the 28th February, 1935.

Considerable success has been achieved in connection with trout in Kulu,—*vide* reply given to part (a) of question No. *4484² answered on the 28th March, 1935.

(d) No.

FISHERIES RESEARCH OFFICER.

***4682. Shrimati Lekhwati Jain :** Will the Honourable Minister for Agriculture be pleased to state—

(a) on what grounds the permanent incumbent of the post of the Fisheries Research Officer was given a higher personal grade of Rs. 250—25—750 in 1929 ;

(b) whether Government intend to discontinue the higher personal grade granted to him ?

The Honourable Sardar Sir Jogendra Singh : (a) In view of his long experience and professional attainments.

(b) No.

STATUTORY AGRICULTURISTS IN GOVERNMENT NORMAL SCHOOLS.

***4683. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

(a) the number of Government Normal Schools in the province at present ;

(b) the number of men communitywise who were admitted to these schools in 1934 and 1935 ;

(c) the number of statutory agriculturists of each of the three principal communities among the persons referred to in (b) ;

(d) the number of seats allotted to the Ambala division at the Julundur Normal School in 1934 and 1935 ;

¹Volume XXVI, pages 165-66.

²Volume XXVI, pages 901-02.

- (e) the number of men communitywise among the persons actually admitted to the Normal School at Jullundur from the Ambala division in 1934 and 1935 ;
- (f) the number of statutory agriculturists of each of the three principal communities among the persons referred to in (e) ;
- (g) who makes the selection of the persons to be admitted to the Normal Schools ;
- (A) whether it is a fact that this year no statutory agriculturist from Hissar or Karnal has been admitted to the Normal School at Jullundur ;
- (c) the reasons for the selection of comparatively few statutory agriculturists for admission at the Jullundur Normal School from the Ambala division ?

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

(b), (c), (d), (e) and (f) A statement giving the required information is laid on the table.

(g) The district inspectors with the approval of the divisional inspectors.

(h) No. Out of seven candidates admitted from Hissar and Karnal districts, four are agriculturists.

(i) Does not arise as about seventy and seventy-three per cent. agriculturists were admitted from the Ambala division in 1934 and 1935, respectively.

Statement showing the number of statutory agriculturists communitywise admitted in Government Normal Schools, Lalamsua, Jullundur and Gakhar during the years 1934 and 1935.

Name of the School.	Year.	Hindus.	Muhammaders.	Sikhs.	Others.	Total.	REMARKS.
1. Government Normal School, Jullundur.	1934 ..	43	58	5	6	112	
	1935 ..	29	23	3	4	59	
2. Government Normal School, Lalamsua.	1934 ..	17	81	5	2	105	
	1935 ..	11	80	4	..	95	
3. Government Normal School, Gakhar.	1934 ..	12	42	6	5	65	
	1935 ..	40	98	7	4	149	
Total	1934 ..	72	181	16	13	282	
	1935 ..	80	201	14	8	303	

(b) Number of students communitywise admitted.

[Hon. Malik Sir Firoz Khan Noon.]

Name of the school.	Year.	Hindus.	Muhammedans.	Sikhs.	Others.	Total.	REMARKS.
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(c) Number of statutory agriculturists communitywise among the persons referred to above.

1. Government Normal School, Jullundur.	1934 ..	22	49	5	1	77
	1935 ..	20	20	3	..	43
2. Government Normal School, Lahmusa.	1934 ..	3	74	3	..	80
	1935 ..	2	72	2	..	76
3. Government Normal School, Gakhar.	1934 ..	..	40	5	..	45
	1935 ..	21	91	5	..	117
Total ..	1934 ..	25	163	13	1	202
	1935 ..	43	193	10	..	236

(d) Number of seats allotted to Ambala division at Government Normal School, Jullundur.

Government Normal School, Jullundur.	1934 ..	20 in all.
	1935 ..	40 in all.

(e) Number of students communitywise admitted at the Normal School, Jullundur, from Ambala division.

Government Normal School, Jullundur.	1934 ..	11	13	..	1	25
	1935 ..	25	19	2	3	49

(f) Number of agriculturists communitywise among the persons referred to at (e) above.

Government Normal School, Jullundur.	1934 ..	6	11	..	..	17
	1935 ..	18	16	2	..	36

STATUTORY AGRICULTURISTS IN THE SUBORDINATE EDUCATIONAL SERVICE.

*4684. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Education kindly state—

(a) how many statutory Hindu agriculturists from the Ambala division have been appointed to posts in the Subordinate Educational Service (Anglo-vernacular section) during the last five years ;

(b) how many statutory Hindu agriculturists have been recommended by the Inspector of Schools in the Ambala division during the last five years for appointment to posts referred to in (a) ?

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

(b) One.

STATUTORY AGRICULTURISTS IN THE PROVINCIAL EDUCATIONAL
SERVICE AND SUBORDINATE EDUCATIONAL SERVICE.

***4685. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the position of statutory Hindu agriculturists in the Provincial Educational Service and Subordinate Educational Service (Anglo-Vernacular Section), Education Department, in 1927 and 1935, respectively ;
- (b) the steps which have been taken by the Education Department to improve the representation of statutory Hindu agriculturists in the Provincial Educational Service and Subordinate Educational Service (Anglo-Vernacular section) ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member is referred to the relevant entries on pages 20 and 22 of the consolidated statements showing the proportionate representation of the various communities serving in the different departments of the Punjab Government as it stood on 1st January, 1927, and 1st January, 1935, respectively.

(b) 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.

RESOLUTION OF MUNICIPAL COMMITTEE, LUDHIANA
TO OPEN A POOR HOUSE.

***4686. Lala Bhagat Ram :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the Municipal Committee, Ludhiana, passed a resolution to open a poor-house ;
- (b) the date on which it was passed ;
- (c) whether it is a fact that the Deputy Commissioner suspended the said resolution ;
- (d) the date on which it was suspended ;
- (e) whether he will lay on the table—
 - (i) a copy of the resolution mentioned in (a) above ;
 - (ii) a copy of Deputy Commissioner's order suspending the said resolution ?

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

(b) 23rd February, 1935.

(c) Yes.

(d) 9th March, 1935.

(e) Copies of the documents are laid on the table.

[Hon. Dr. Sir Gokul Chand Narang.]

Copy of resolution No. 1026, passed by the Municipal Committee, Ludhiana, in their ordinary meeting held on the 23rd of February, 1935.

1026. In continuation of resolution No. 880, dated 17th December, 1934, read estimate of Rs. 9,500 prepared by the Overseer for constructing a poor house on land near Tank in Lakkhar Bazar with recommendation of the Sub-Committee Works for sanction.

Resolved that it is sanctioned. Executive Officer to invite tenders.

Copy of the order of the Deputy Commissioner, Ludhiana, dated the 9th March, 1935.

The Municipal Committee, Ludhiana,—*vide* their resolution No. 1026, dated the 23rd of February, 1935,—have sanctioned an estimate amounting to Rs. 9,500 for constructing a poor house near the tank in Lakkhar Bazar, Ludhiana, and have also authorized the Executive Officer to invite tenders for the above.

The committee are competent under section 52 (2) (c) of the Punjab Municipal Act, 1911, to start a poor house, but there appears to be no immediate necessity for the establishment and maintenance of a poor house at Ludhiana. This resolution of the committee indicates an unprecedented liberal minded and generous disposition on the part of the committee, but I am afraid the funds of the committee do not allow measures like this to be adopted. They have two expensive schemes before them, *i.e.*, construction of 2 tube-wells, etc., and the conservancy scheme.

As the execution of the Ludhiana Municipal Committee's resolution No. 1026, dated the 23rd of February, 1935, is likely to cause waste of the municipal funds, I suspend it under section 232 of the Act and ask the committee to furnish any explanation which they may desire to give within a fortnight from the date of receipt of this order in the municipal office, failing which it will be assumed that the committee have no explanation to offer and the Commissioner will be informed accordingly.

UNSTARRED QUESTIONS AND ANSWERS.

INDIAN CHRISTIANS IN LOCAL BODIES.

1195. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement showing the names of local bodies in the province where Indian Christians are occupying the positions of—

- (a) Secretary,
- (b) Engineer,
- (c) Health Officer,
- (d) Head Clerk ?

The Honourable Dr. Sir Gokul Chand Narang : A statement is laid on the table.

Statement.

<i>Name of the local body.</i>	<i>Nature of the post held by Indian Christians.</i>
1. The District Board, Karnal .. ..	.. Head Clerk.
2. The District Board, Jullundur .. ..	.. Secretary.
3. The Municipal Committee of Jagraon .. ..	.. Do.
3. The Municipal Committee of Sargodha .. ..	.. Do.
5. The Municipal Committee of Campbellpur .. ..	.. Do.

INDIAN CHRISTIANS IN LOCAL BODIES.

1196. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table showing the number:

of posts with a salary of Rs. 50 or upwards in local bodies in the province which are held by Indian Christians ?

The Honourable Dr. Sir Gokul Chand Narang : A statement is laid on the table.

Statement showing the number of posts with a salary of Rs. 50 or upwards in local bodies in the Punjab which are held by Indian Christians.

Serial No.	District.	Name of the local body.	Number of posts held by Indian Christians.
1	Hissar	Municipal Committee, Hissar	1
2	Rohtak	District Board, Rohtak	1
3	Gurgaon	District Board, Gurgaon	2
		Municipal Committee, Rewari	1
4	Karnal	District Board, Karnal	1
5	Ambala	District Board, Ambala	3
6	Simla	District Board, Simla	3
		Municipal Committee, Simla	12
7	Kangra	District Board, Kangra	1
8	Hoshiarpur	District Board, Hoshiarpur	3
9	Jullundur	District Board, Jullundur	1
10	Ludhiana	District Board, Ludhiana	1
		Municipal Committee, Jagraon	1
11	Ferozepore	Municipal Committee, Ferozepore	1
12	Lahore	Municipal Committee, Lahore	7
		Municipal Committee, Kasur	2
13	Amritsar	Municipal Committee, Amritsar	4
14	Sialkot	District Board, Sialkot	1
		Municipal Committee, Sialkot	2
15	Gujrat	District Board, Gujrat	1
16	Shahpur	Municipal Committee, Sargodha	1
17	Jhelum	Municipal Committee, Jhelum	1
18	Rawalpindi .. ..	.. ..	1
19	Attock	District Board, Attock	1
		Municipal Committee, Campbellpur	1

[Hon. Dr. Sir Gokul Chand Narang.]

Serial No.	District.	Name of the local body.	Number of posts held by Indian Christians.
20	Montgomery ..	Notified Area Committee, Okara ..	2
		Notified Area Committee, Renala Khurd ..	1
21	Lyalpur ..	District Board, Lyalpur ..	3
		Municipal Committee, Lyalpur ..	1
		Municipal Committee, Gojra ..	1
22	Multan ..	..	1
		Total number of posts ..	63

INDIAN CHRISTIANS IN LOCAL BODIES.

1197. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table showing the names of local bodies in the province, as well as the number of posts under them held by Indian Christians carrying a salary of rupees ten or upwards but under rupees fifty ?

The Honourable Dr. Sir Gokul Chand Narang : A statement is laid on the table.

Statement.

Serial No.	District.	Name of a local body.	Number of posts held by Indian Christians.
1	Hissar ..	Municipal Committee, Hissar ..	2
		Municipal Committee, Hansi ..	1
		Municipal Committee, Bhiwani ..	1
2	Rohtak ..	Municipal Committee, Rohtak ..	1
		Municipal Committee, Sonapat ..	1
		District Board, Rohtak ..	7
3	Gurgaon ..	Municipal Committee, Palwal ..	1
		District Board, Gurgaon ..	6
4	Simla ..	Municipal Committee, Simla ..	1
		District Board, Simla ..	1

Serial No.	District.	Name of the local body.	Number of posts held by Indian Christians.
5	Kangra ..	District Board, Kangra ..	7
6	Hoshiarpur ..	District Board, Hoshiarpur ..	8
		Municipal Committee, Hoshiarpur ..	1
7	Ludhiana ..	District Board, Ludhiana ..	1
		Municipal Committee, Ludhiana ..	1
8	Ferozepore ..	District Board, Ferozepore ..	11
		Municipal Committee, Moga ..	2
		Municipal Committee, Zira ..	1
		Municipal Committee, Abohar ..	1
9	Lahore ..	District Board, Lahore ..	12
		Municipal Committee, Lahore ..	24
		Municipal Committee, Patti ..	1
		Town Committee, Pattoki ..	3
10	Amritsar ..	Municipal Committee, Tarn Taran ..	1
		District Board, Amritsar ..	11
		Municipal Committee, Amritsar ..	29
11	Gurdaspur ..	Municipal Committee, Dinanagar ..	2
		Municipal Committee, Gurdaspur ..	2
		Municipal Committee, Pathankot ..	21
		District Board, Gurdaspur ..	11
		Town Committee, Sujampur ..	1
		Town Committee, Dhariwal ..	25
12	Gujranwala ..	District Board, Gujranwala ..	23
		Municipal Committee, Gujranwala ..	126
		Municipal Committee, Wazirabad ..	36
		Municipal Committee, Hafizabad ..	16
		Municipal Committee, Eminabad ..	6
		Town Committee, Akalgarh ..	1
		Town Committee, Ramnagar ..	1

[Hon. Dr. Sir Gokul Chand Narang,]

Serial No.	District.	Name of a local body.	Number of posts held by Indian Christians.
13	Sheikhupura	District Board, Sheikhupura	3
		Municipal Committee, Sheikhupura	13
		Municipal Committee, Naakana Sahib	3
		Town Committee, Sangla	32
		Town Committee, Khangah Dogran	13
1	Sialkot	Municipal Committee, Sialkot	288
		Municipal Committee, Narowal	3
		District Board, Sialkot	38
15	Gujrat	District Board, Gujrat	1
		Municipal Committee, Gujrat	48
		Municipal Committee, Kunjah	1
		Notified Area Committee, Railway Bazar, Gujrat.	3
		Notified Area Committee, Maadi Baha-ud-Din.	7
		Town Committee, Lalamusa	17
		Town Committee, Melakwal	1
16	Shahpur	Municipal Committee, Sargodha	45
		Municipal Committee, Phullarwan	3
		Municipal Committee, Khushab	1
		District Board, Sargodha	3
		Town Committee, Bhalwal	13
17	Jhelum	District Board, Jhelum	2
		Municipal Committee, Jhelum	12
18	Rawalpindi	Municipal Committee, Rawalpindi	185
		Town Committee, Gujjar Khan	9
19	Attock	District Board, Attock	1
		Municipal Committee, Campbellpore	12
		Town Committee, Fatchjang	1
20	Mianwali	Municipal Committee, Mianwali	41
		Municipal Committee, Kalabagh	6
		Municipal Committee, Isakhol	9

Serial No.	District.	Name of a local body.	Number of posts held by Indian Christians.
21	Montgomery ..	District Board, Montgomery	26
		Municipal Committee, Montgomery	3
		Notified Area Committee, Okara	2
		Notified Area Committee, Arifwala	23
22	Lyallpur ..	District Board, Lyallpur	41
		Municipal Committee, Lyallpur	142
		Municipal Committee, Kamalia	2
		Municipal Committee, Chak Jhumra	26
		Municipal Committee, Gojra	58
		Municipal Committee, Jaranwala	7
		Town Committee, Tandlianwala	2
		Town Committee, Toba Tek Singh	1
		Notified Area Committee, Samundari	4
23	Jhang ..	Municipal Committee, Jhang-cum-Maghiana	1
		Town Committee, Lalian	1
24	Multan ..	District Board, Multan	3
		Municipal Committee, Multan	6
		Municipal Committee, Mian Channun	3
		Notified Area Committee, Jahanian	2
		Notified Area Committee, Burewala	14
		Notified Area Committee, Vihari	3
		Notified Area Committee, Lodhran	4
25	Muzaffargarh ..	Municipal Committee, Muzaffargarh	7
		Town Committee, Kot Adu	9

DISTRICT BOARD SCHOOLS, JULLUNDUR.

1133. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state whether it is a fact that the District Board of Jullundur is keeping up a number of schools, which the Commissioner, Jullundur, has called upon the Board to close, if so, with what result ?

The Honourable Dr. Sir Gokul Chand Narang : The Divisional Inspector of Schools, Jullundur (not the Commissioner), recommended that 18 lower middle schools should be reduced to primary standard, 26 primary schools converted into branch schools, 10 primary schools to be closed, and the English classes of two vernacular middle schools to be closed. The District Board did not accept these proposals in their entirety. The Board decided to close primary schools with less than 20 boys on the rolls and lower middle schools with less than 10, and in accordance with this policy, the Board discontinued only one primary school, at the same time converting 9 lower middle schools into primary schools. The rest of the advice of the Inspector was not followed.

CENSUS OF BICYCLES.

1199. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that a census of bicycles has been taken, if so, with what object ;
- (b) the number of bicycles in—
 - (i) urban areas,
 - (ii) rural areas ?

The Honourable Mr. D. J. Boyd : (a) Deputy commissioners were recently asked to make a rough estimate of the number of bicycles in use in their districts. This was in connection with the proposal made by the Punjab Sources of Revenue Committee (1931) for the imposition of a tax on bicycles.

(b) The total number of bicycles in the Punjab is estimated at 2,10,000. Separate figures for urban and rural areas are not available.

SANATORIUM FOR TUBERCULOSIS PATIENTS.

1200. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that a sanatorium for tubercular patients has been opened at Murree, if so, by whom ;
- (b) if it is a private institution, whether it is aided by Government, if so, to what extent ;
- (c) whether any beds will be set apart for poor patients, if so, how many ;
- (d) the total accommodation in the sanatorium ?

The Honourable Malik Sir Firoz Khan Noon : (a) A sanatorium for tubercular patients has been opened at Samli near Murree by the Indian Red Cross Society, Rawalpindi District Branch. Thanks are due to Mr. and Mrs. King.

- (b) It is a private institution and is not aided by Government.
- (c) Yes, but at present only for those who belong to the Rawalpindi district. The number of beds for such patients has, however, not been fixed.
- (d) Total accommodation is 46 beds and 18 private huts and rooms.

CENTRAL CO-OPERATIVE BANK, LIMITED, FEROEZEPORE.

1201. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that the Ferozepore Central Co-operative Bank, Limited, Ferozepore city, has given out large sums by way of loans ;
- (b) if so, to what extent ;
- (c) what amount of this is regarded as irrecoverable ;
- (d) what amount of this is likely to be recovered during the next five years ;
- (e) as regards the amount which is now regarded as irrecoverable, how much was loaned without security or insufficient security ;
- (f) if any amount was loaned without security or insufficient security to whose negligence it was due ;
- (g) if so, whether it is one person or more than one ;
- (h) whether any action has been taken against persons at fault, if so, what, if not, why not ?
- (i) if no action has been taken, whether Government is now prepared to take action ?

The Honourable Sardar Sir Jogendra Singh : For statistics of the operations of this and other co-operative banks the honourable member is referred to the statements attached to the Annual Report on the Working of Co-operative Societies. These banks are autonomous institutions and Government is not, therefore, in a position to answer questions about their internal working.

SECRETARY, MUNICIPAL COMMITTEE, DALHOUSIE.

1202. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that Lala Ghanaiya Lal, late Secretary, Municipal Committee, Dalhousie, had appealed to Government about the action taken against him by the Municipal Committee ;
- (b) if so, what orders were passed by Government ;
- (c) whether he will lay a copy of these orders on the table ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Lala Ghanaiya Lal did not appeal, but made a representation to Government against his not being allowed to return from leave and against being made to retire.

(b) Government did not see any reason to interfere with the decision of the Committee ;

(c) Copies of Punjab Government Memoranda No. 4281-S., dated the 26th July, 1935, and No. 7481-S., dated the 26th September, 1935, are laid on the table.

[Hon. Dr. Sir Gokal Chand Narang.]

Copy of a memo. No. 4281-S. (L. S.-G.—Comts.), dated the 26th July, 1935, from the Secretary to Government, Punjab, Transferred Departments, to the Commissioner, Lahore.

SUBJECT:—*Representation of Lala Ghanaiya Lal, Secretary of the Municipal Committee of Dalhousie on leave.*

Reference the correspondence resting with your letter No. A/VI/13/II/626, dated the 17th June, 1935.

2. The Punjab Government (Ministry of Local Self-Government) agree with you that the Committee has power to settle the matter under Fundamental Rule 72 (which, it is believed, the Municipal Committee of Dalhousie has adopted). I am, at the same time directed to request that it may be intimated, for the information of Government, whether Lala Ghanaiya Lal will complete the age of 55 years on the 16th September, 1935; and that, if it is not so, the reasons for his being retired prematurely may be ascertained from the Committee and communicated to Government at an early date.

Copy of a Memorandum No. 7431-S. (L. S.-G.—Comts.), dated the 26th September, 1935, from the Secretary to Government, Punjab, Transferred Departments, to the Commissioner, Lahore.

SUBJECT:—*Representation of Lala Ghanaiya Lal, Secretary of the Municipal Committee of Dalhousie against his retirement.*

Reference the correspondence ending with your endorsement No. A/VI/13/II/1036, dated the 12th September, 1935, on the subject noted above.

2. Lala Ghanaiya Lal may be informed that the Punjab Government (Ministry of Local Self-Government) see no reason to interfere.

INDIAN CHRISTIAN CANDIDATES FOR THE POST
OF TAHSILDAR.

1203. Mr. E. Mayadas : Will the Honourable Revenue Memoer be pleased to state—

- (a) whether it is a fact that lists of candidates for posts of naib-tahsildars are kept in the offices of the Commissioners of the respective divisions of the province ;
- (b) if so, whether he will lay a statement on the table showing the number of candidates by communities on each list kept in the offices of the Commissioners ;
- (c) whether there are any Indian Christians on any of these lists, if so, on which list or lists and what is their number ?

§ **The Honourable Nawab Muzaffar Khan :** (a) Yes.

(b)

				<i>Muslims.</i>	<i>Hindus.</i>	<i>Sikhs.</i>
Ambala .. .. .	..	..	..	5	5	3
Jullundur .. .. .	..	..	..	9	8	6
Lahore .. .. .	..	..	..	9	3	4
Rawalpindi .. .. .	..	..	..	18	4	1
Multan .. .. .	..	..	..	21	8	3

(c) None.

INDIAN CHRISTIAN CANDIDATES FOR THE POST OF
NAIB-TAHSILDAR.

1204. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether employees in Government service are eligible for appointment as candidates for naib-tahsildarship ;
- (b) if so, whether any Indian Christians in Government service have applied for appointment as candidates for the post of naib-tahsildar ;
- (c) if so, what is their number and by whom their applications will be disposed of ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The required information is not readily available. The recruitment of naib-tahsildar candidates is stopped for some time.

(c) The applications, if any, will be disposed of by the Commissioners of divisions when the recruitment re-opens.

THE PUNJAB CRIMINAL LAW (AMENDMENT) BILL.

CLAUSE 2.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I move—

That the words "general or" in sub-clause (1) of clause 2 be omitted.

I do not think it is necessary for me to make any speech. All the arguments which were advanced yesterday hold good on the amendment and I move it.

Mr. President : Clause under consideration, amendment moved—

That the words "general or" in sub-clause (1) of clause 2 be omitted.

The Honourable Mr. D. J. Boyd : Government are prepared to accept the amendment.

Mr. President : Question is—

That the words "general or" in sub-clause (1) of clause 2 be omitted.

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That the following be added to sub-clause (2) of clause 2—

The powers under this section will only be used with respect to persons suspected of terrorist and communist crimes.

The powers of arbitrary arrest which this section confers, as I pointed out yesterday, should be confined to certain particular crimes, and should not be extended to breaches or apprehended breaches of ordinary criminal law. My object in moving this amendment is to make it clear that this power is to be confined to the needs of the situation. The Council should therefore insist upon this amendment being passed. I have already given my reasons in detail in speaking on the motion for consideration.

Mr. President : Clause under consideration, amendment moved—

That the following be added to sub-clause (2) of clause 2—

The powers under this section will only be used with respect to persons suspected of terrorist and communist crimes.

The Honourable Mr. D. J. Boyd : If the honourable member would accept a slight amendment in the wording of his amendment I think we can accept it. If he says that the powers shall only be used against terrorists and communists, it would be acceptable. For it might unduly narrow the meaning if the powers were to be used against persons suspected of terrorist and communist crimes. If, on the other hand, the amendment says, against terrorists and communists, it will then amount to the assurance which Sir Henry Craik gave here when the present Act was introduced and I am ready to accept that.

Rai Bahadur Mr. Mukand Lal Puri : That is a mere verbal alteration and I have no objection to agree to it.

Mr. President : The question is that the amendment be amended as follows :—

The powers under this section shall be used only against terrorists and communists.

The motion was carried.

Mr. President : Question is—

That the following be added to sub-clause (2) of clause 2—

The powers under this section shall be used only against terrorists and communists.

The motion was carried.

Mr. President : I may point out that the omission of the words "general or" in sub-clause (1) of clause 2 would necessitate amendment, if not omission of the proviso to sub-clause (1) of the clause under consideration. Therefore, when I put to the House the motion that clause 2 stand part of the Bill, that motion should be taken subject to such consequential modifications of the clause as the drafting committee may deem necessary to make.

The question is—

That clause 2 as amended stand part of the Bill.

The motion was carried.

CLAUSE 3.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : I beg to move—

That the words 'unless the local Government by special order otherwise directs' occurring in lines 2 and 3 of sub-clause (2) of clause 3 be omitted.

While speaking on the motion for consideration of the Bill yesterday I pointed out that clause 3 of the Bill was the worst feature of the Bill in as much as it gave a power to the executive to confine a person or to circumscribe the movements of any person whom the executive thought to be dangerous or undesirable, for the rest of his normal life. That interpretation arises from the existence of the words 'unless the local Government by special order otherwise directs' in

sub-clause (2) of clause (3). It will be noticed that clause 3, sub-clause (1) lays down the various orders which the Government may pass with respect to any person, as to where he is to remain, how he has to conduct himself, what he is to do and what he is to abstain from doing. Sub-clause (2) of clause 3 prescribes the period for which this order can continue. The words in sub-clause (2) are—

“An order made under sub-section (1) shall not, unless the local Government by special order otherwise directs, remain in force for more than one month from the making thereof.”

The original scheme of the Act contemplated that those were emergency powers and the local Government should be able to take effective action, deterrent action, preventive action, and should be able to take it at as short a notice as possible, but it was not intended to give them penal powers. The Act being necessarily preventive, as the Honourable Finance Member put it yesterday, the powers of prevention are sufficiently safeguarded. If you have secured to the executive the power of putting a man in jail under section 2 up to a period of one month or confining his movements to a particular locality for a period of one month, you have given them ample powers. That was the original intention and that appears from this fact also that the power of arrest under section 2 is followed by the power of imprisonment and that power of imprisonment is only for fifteen days in the first instance and of one month (*An honourable member—Two months*) in the second instance. Similarly the third clause gave the same power to local Government of two months. In section 2 the power of imprisonment given to the executive is two months; in section 3 the power of restriction is ordinarily only one month. I am drawing attention to sub-clause (2) of clause 3—

“An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month from the making thereof.”

It was contemplated that this power of restriction will necessarily be required in cases of persons who are less dangerous than those against whom the order under section 2 is not contemplated but order under section 3 is contemplated. As the period of one month which Government chose to give to these persons may in some extreme cases appear to be too short, the local Government reserved to itself the right of increasing this period by the insertion of these words “unless the local Government otherwise specially directs,” so that if in some cases it is necessary to confine the movement of an internee for more than a month, the local Government might be able to extend it say for five weeks or even two months in extraordinary cases. The local Government did not want the powers for more than a month. So, if you accept my amendment the effect will be that the local Government will only have the power to intern a person for one month in the first instance.

I think every section of the House is agreed on this point that the period for which a person can be restricted should be limited. I think I may take it that that is the sense of the House, although that was not the original proposal. Every section of the House, judging from what I have learnt from the speeches yesterday and from what I find from the amendments of which notice has been given, is agreed that this power should be restricted. I have sent in an alternative amendment for a period of six months and I find another amendment standing in the

[R. B. Mr. Mukand Lai Puri.]

name of my friend Chaudhri Riasat Ali for restricting the period to one year. Therefore what the Council has to decide now is, whether this power of restricting the movement of a particular person should be given to Government for one month, for six months or for a year. I take it that most members of the House are agreed on restricting the period. I move this amendment and the result of this amendment will be to restrict the power of Government to intern a person for one month which originally was contemplated by Government to be the ordinary period for which detention would be necessary.

Mr. President : Clause under consideration, amendment moved—

The words ' unless the local Government by special order otherwise directs ' occurring in lines 2 and 3 of sub-clause (2) of clause 3 be omitted.

The Honourable Mr. D. J. Boyd : The Government cannot possibly accept this amendment. The one month period is in a great many cases hopelessly inadequate. The Government are prepared to accept a period of one year. Every six months—at any rate periodically—the cases of persons interned under this section are placed before Government and where it is possible to cancel the orders of internment the orders are cancelled. At the last periodical revision I should think that at least three-fourths of the orders were cancelled. We are very careful indeed in our administration of this section. I would much prefer not to have our hands tied. Actually I can mention one case in which the report that came to us said that five or six terrorists had come to a more reasonable frame of mind and could be trusted for the time being to act peacefully. The internment orders against them were cancelled. There was one case I remember in which an internee was reported to be still obdurate and was still devoted to the terrorist creed and was proclaiming it openly. Obviously the order of restrictions could not be cancelled in such a case. I would much prefer that the power was left with the Government without any period being prescribed but owing to the strong desire expressed by many speakers we are prepared to accept a period of one year, though I really think that it is too short.

Mr. President : The question is—

The words ' unless the local Government by special order otherwise directs ' occurring in lines 2 and 3 of sub-clause (2) of clause 3 be omitted.

The motion was lost.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I beg to move—

The following words be added at the end of sub-clause (2) of clause 3—

' Provided that in no case shall such order remain in force for more than a year.'

It seems to me, that one year is the most reasonable period to impose. Of course it is rather hard on the person arrested that he does not know the time limit at all and I hope that Government will be prepared to accept this amendment.

Mr. President : The question is—

The following words be added at the end of sub-clause (2) of clause 3—

' Provided that in no case shall such order remain in force for more than a year.'

The motion was carried.

Mr. President : The question is—

That clause 3 as amended stand part of the Bill.

Shaikh Muhammad Sadiq (Amritsar city, Muhammadan, Urban): The House has just now accepted an amendment restricting the period to one year, but I have great doubts about that amendment. May I question whether the total period will be one year or whether it will be one year at a time.

Mr. President : The whole clause, as amended, is under consideration and not the amendment which has been just passed. The honourable member can speak to the whole clause, as amended, and not to the amendment only.

Shaikh Muhammad Sadiq : I am opposing the whole clause. I am only giving my reasons by putting a question. I am going to show that one year means nothing. It really means punishment for full five years. Only recently Maulana Zafar Ali was arrested for two months. After the expiry of that period he was given four hours' leave and was re-arrested for another four months. When the amendment was passed, some members smiled. But I want to tell them that it means nothing. A man is let out for two hours and is re-arrested for one year. It should be made perfectly clear that the man is not to be re-arrested for a further period.

The Honourable Mr. D. J. Boyd : I do not understand what the honourable member has said at all about Maulvi Zafar Ali. I know nothing of any such facts as he has alleged.

Shaikh Muhammad Sadiq : I was saying that Maulana Zafar Ali was arrested and interned for two months and he was let off after two months. But within four hours after his being let off he was re-arrested.

The Honourable Mr. D. J. Boyd : I may say that the honourable member's facts are absolutely wrong.

Shaikh Muhammad Sadiq : I am prepared to accept the Honourable Member's correction. But my contention remains all the same. A man is arrested for one year and after the lapse of one year he is let off and within a short time after his release he is again arrested. I strongly object to this and that is why I say that these amendments are useless. This whole section is so extraordinary that it should not be allowed to remain on the statute book, for the simple reason that it does not contemplate one year as some people seem so fondly to think, but for five years. Take this case of the Shahid Ganj affair. The Government arrested 27 persons. Yesterday the Finance Member made a statement which does not say that they will be let off if they agree to behave properly. The condition of their release, the Honourable Finance Member said, was that this agitation should stop, as if the persons inside the prison bars had any influence with the outside public as to persuade them to stop the agitation. In other words it comes to this that Maulana Zafar Ali, Mr. Habib and others are kept as hostages which is against all law.

Mr. President : Will the honourable member please speak to the clause under consideration?

Shaikh Muhammad Sadiq : I am speaking to the clause. These people are not to be let out on the merits of their case but only if the general atmosphere outside is calm.

Mr. President : I again request the honourable member to speak to the clause.

Shaikh Muhammad Sadiq : What does the clause say? It says—

- Such person (a) shall not enter or remain in any area specified in the order ;
- (b) shall reside or remain in any area specified in the order ;
- (c) shall remove himself from, and shall not return to, any area specified in the order ;
- (d) shall conduct himself in such manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order.

This is exactly the power which might have been claimed by the Czar of Russia and by Nero of Rome, of olden days. But that the present Government with the Honourable Finance Member at its head should ask for such powers is beyond my comprehension. I know that the position in England is different from that of this country. The situation in both the countries is not the same. You do not find communalism there which you find here. But that is no justification for asking for these extraordinary powers. If my honourable friend had given the assurance that out of these five years the maximum punishment will be only for one year, and that after release of the person after one year's imprisonment he would not be re-arrested within a few hours, I would have supported the clause. On the other hand it is clear that the Government acting merely on executive authority can intern or extern a person and restrain him from using his property. If a person can be deprived of his property, how is he to support himself and his family? Government does not give an assurance that it will support him and his family. If the bread winner is in jail 200 or 400 miles away from his home, how is his family to support itself? It would have been fair if the Government had given an assurance that it will give allowances to him and his family. While the big Government officials draw big allowances of various sorts, no allowance is proposed to be given to these poor unfortunate victims of the Criminal Investigation Department reports, or their families. It is not fair to remove the wage earner from his home and deny any compensation for him and his family. Again when it is decided to give some compensation some principle must be followed. The amount of compensation must not be left to the sweet will of the executive. I therefore oppose the amendment, not because it is not necessary for Government to act swiftly—I concede that in some cases Government has to act swiftly—but because it is not provided in specific terms that Government should in duty bound provide financial aid to those who are interned and their dependents. This principle has been accepted in all civilised countries. I hope that some assurance will be forthcoming from the Government that no person imprisoned for one year will be re-arrested immediately after his release until his case has been put before some judicial officers and they have found him guilty. I agree that it is not sometimes desirable to have an open enquiry in their cases; it is possible that some witnesses may not be forthcoming to give evidence in a public court; but such evidence as is available must be placed before judicial officers as is done in Bengal and they will examine the case and only on the result of their examination of the case

should such persons be re-arrested or imprisoned. I hope that the Honourable Finance Member will give the assurance that I have asked for. It does not mean that we have no confidence in the Government. Still we should like to hear what he has got to say and if he is not prepared to give the assurances, I will have to oppose the clause.

The Honourable Mr. D. J. Boyd : The honourable member appears to me to propose at least two amendments in his speech of which he has given no notice. I am, therefore, not prepared to consider them at all.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to oppose the whole clause. It is so ridiculous that it must not be accepted by any member of the Council. If the clause had been confined only to persons who acted or are acting, etc., there may not be much to oppose it; but it talks of persons 'about to act.' It is not possible at all to know how a person is going to act. The police is reputed for making mistakes in guessing how a person is going to act, and it is on such police report that Government has got to take action. I may perhaps here give an illustration of how the police make mistakes in apprehending the true criminals. There was a case of dacoity in Saroa village of the Hoshiarpur district. The police arrested some persons and by torturing a few of them forced them to make confessions which would suit the police case and after making them approvers got the other persons convicted. Later there was another dacoity in the Ambala district. The dacoits were caught and when investigation into this dacoity was made and trial held in the court, it was found that the same dacoits had committed the dacoity in the Hoshiarpur district and that those who were originally convicted were really innocent. But the courts were not in a position to release them and so the Governor had to intervene and to release them after they had undergone imprisonment for one year, by the use of his prerogative of mercy. I brought this matter out by means of a question in this Council and if any honourable member disagrees, I will ask him to see that question. When there is such a case in which the police made a successful case against innocent people, can there be any doubt about any man in the world when there are the words 'about to act' in the clause? In this way there will be no justice at all if this clause is allowed to remain. So unless the Honourable Member in charge of the Bill agrees to delete these words, not I alone but all the other elected members should oppose the clause. As there is no indication of a change I will oppose it. Again the punishments that are given are very severe. The man is to be confined to an area of which he is not an inhabitant. He may be confined in any area. This is too much. If you want to restrict the activities of a man, you can ask him to remain in an area but if you want to take him away from that area, as I submitted the other day, then he will carry on the agitation in that area and thereby you are spreading the agitation, the germs of disaffection throughout the Punjab. The other thing about this clause is, it says that the order will be served on the man and he will be asked to carry it out. The police officer goes to the man in the night at 2 o'clock and takes him away without giving him any time to prepare. Even during the Turkish revolution the insurgents gave a long time to the Sultan to get prepared. But here they give no time. The rules are very drastic. Is there any sort of French Revolution going on in the Punjab for us to make such drastic rules? They have made such a

[Ch. Allah Dad Khan.]

reckless use of this section in the past. Every time a misuse has been made. In the case of these four people, Maulana Zafar Ali, Sayad Habib, Lal Khan, and Khwaja Nazir Ahmad, an order was served and they were at once taken away. They send a warrant with the police and ask them to take away the men as if they were chattels. Generally these orders are served on big men. Ordinary men are sent to jail under ordinary law. I have never seen an ordinary man being served with a notice under this Act. This is intended for big men, I suppose. So we should think of their own safety and the safety of their relations. Otherwise what will a civilised Government think of the members of this Council? Do you think that if you send a report of these proceedings to other countries they will consider that we can have independent views? I oppose the whole clause.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural): I rise to oppose the motion that the clause do stand part of the Bill. The clause as it stands now is so hard, is so much against the freedom and liberty of the people, that it will not bring a good name upon this Council if we pass it. Its past application shows that it has not been used at any time against the terrorists as so many times it has been used against peaceful and loyal subjects of the Government. Therefore, the past experience about the application of this Bill is sufficient to show that it will in future also be not used against terrorists. It will be used against peaceful and loyal subjects. Now that the new Councils are coming, the party in power may say, arrest that man and restrict him to certain areas. There are so many difficulties in the application of this clause that I warn the Council that they should not be a party to its passage. It does not require a lengthy speech when freedom and liberty of the people are in danger and therefore I oppose this motion.

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural): I stand up to oppose this clause being kept in the Bill on the following ground. The country wherefrom come the rulers of our country has a proverb "even the devil knoweth not the thoughts of man." But the Government want to give a power to the police, even to an ordinary constable, whereby they presume that he or anybody—even if he is not a head constable—would have the capacity to judge as to what thoughts are passing in the mind of a particular man.

The Honourable Mr. D. J. Boyd: The powers rests with the local Government and not with anybody else.

Chaudhri Asadullah Khan: I am sorry. Then the local Government presumes that it has the capacity to judge what the devil himself cannot judge, according to their own language. We do not presume to know the thoughts of man but according to this measure they presume to possess a power which I certainly do not admit they do possess. How can the Government know what a person is going to do and therefore in order to stop him from doing that, can they claim this power under this clause? I say that no human agency has any power to know what another human being is thinking of doing or what he is about to do. Under this clause again the Government want a power whereby they can restrict a man even from his lawful pursuits. Sub-clause (d) of this clause says, "shall conduct himself

in such a manner, abstain from such acts, or take such order with any property in his possession or under his control, as may be specified in the order." So that, the local Government can even order a man not to eat. I know the Honourable the Finance Member will say, do you think that the local Government is going to do such a thing? It is not the question whether it is going to do such acts. The question is, can they under this provision, if they have those powers, do it or not? And I say that as the clause stands, they would possess such powers if it is passed and so long as no assurance is given to us by the Government that they will in a reasonable manner exercise the powers given to them under this clause, we should not as representatives of the people sitting here let this clause go by and be put on the statute book. I, therefore, oppose this clause.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): It was only yesterday that I supported the general principles of the Bill, but I find that this clause gives very wide, vague and arbitrary powers to the executive government. In the beginning I wanted to ask a question as to whether the phrase 'or is about to do' will be omitted or not from the clause. Now I find that this has given me an occasion to say something on this clause. As I have said it gives very wide powers to the Government. Government should also be very reasonable in its attitude. As has been said by my predecessor, how is it possible for the Government or the executive to know what is passing in one's mind? According to the Muslim religion it is only God who can know it.

The Honourable Mr. D. J. Boyd: There are preventive sections which you know of in other Acts.

Khan Bahadur Malik Zaman Mehdi Khan: If the words "or is about to act," are omitted, I am prepared to support the clause. I must congratulate the Government in possessing its officers who have such psychological knowledge of the human mind that they can read what is passing in people's minds. But it is difficult, if not impossible, to do that. As was said by Shaikh Muhammad Sadiq, if people are to be deported or interned, there should be some sort of provision for the maintenance of their families and there should be some sort of procedure by which the information supplied to the executive government is sifted by independent and impartial judges, may be a sessions judge or a judge of the High Court. If the Honourable Member in charge of the Bill is prepared to omit or delete the words 'or about to act', then I am prepared to support the Bill.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (*Urdu*): I feel the necessity of inviting the attention of the House to an important point. I think the Government is under the impression that the working of the 1932 Act has revealed no case calling for the proposed action, and I feel that many of the honourable members of this House are also inclined to share the Government's views. I have stood up to lay before the House the case of an unfortunate person who was a victim of the repression of this Act. One Bishan Singh was ordered by the Delhi Government to leave the town of Delhi. He proceeded to Lahore but authorities here ordered him to reside in Rawalpindi. Then the authorities in Rawalpindi had a notice served on him ordering him not to go beyond the Rawalpindi municipal limits without permission. The poor fellow had no

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means of subsistence in Rawalpindi; therefore he sought permission to go to his native place and be interned there. He wrote that if that request could not be acceded to he should be given some allowance at least. After full three months of patient waiting he received the reply of the Government that neither could he be interned in his native place nor could he get an allowance. Then the unfortunate person tried to find some work to make a living but he could not find any within the municipal limits of Rawalpindi. After that he sought permission for going to the cantonment which is at a mile's distance from the city. Most probably, he hoped to find work there. But the Government did not even accede to this ordinary request. When the unfortunate wretch found himself face to face with starvation, he hit upon the desperate plan of courting imprisonment and have the satisfaction of jail food. He left Rawalpindi and went over to the cantonment. He was tried for breaking the internment order and sentenced to one year's imprisonment. When he came out of jail after serving this full term of imprisonment he received an order of the authorities that he should not leave the municipal limits of Rawalpindi without permission. Now, is it fair on the part of any Government to treat in this way people who incur their displeasure? The poor fellow was neither interned in his home district nor was he given any allowance. He was forbidden from earning his livelihood at a place at a distance of barely one mile from the place of his internment. One cannot imagine a more tyrannical attitude on the part of the Government. Although I have no interest in this Bill whatsoever, yet I wish that some change should be made in the proposed Act making certain arrangements for the subsistence of the people interned. I would not permit a statement that such things have never taken place, go unchallenged. I want to impress upon the Honourable Member to dispel this illusion from his mind that the Government has never used its power in an objectionable way. I have given notice of certain questions on this point and I may get some answer one of these days but on the basis of the information which is at present at my disposal I see no reason why Government should be given such vast powers and for all time to come. I want to urge that the behaviour of the Government in not allowing any subsistence for a person and then sending him to prison and serving a new notice on him soon after his release has been most objectionable. They ought to have allowed the person to proceed home and if he had behaved in a suspicious and objectionable manner he may have been arrested after, say, four or five days. But the Government gave him no opportunity to show that he would be law-abiding in future and arrested him and interned him without any rhyme or reason. The Government ought to have made sure that the activities of the released person were likely to be detrimental to the public peace and tranquillity before passing new orders for his internment. I know we are too weak to deny the Government these drastic powers which are demanded by it but I want to make this clear that the Government has certainly been very harsh upon some people in the past and it is useless trying to blink the facts.

Mr. J. D. Anderson (Legal Remembrancer): May I beg to say a few words with respect to the point made by the honourable member from Sialkot. He said that this Bill placed a very grave responsibility on the Government of the day in as much as the Government was given powers

to take action before any specific act was committed by the person against whom action was taken. I admit that the responsibility of necessity is great and such action is not lightly to be taken. But in the course of this debate I have at times seen a tendency to judge this Bill as if it were a thing by itself. Its very title shows that it is nothing of the kind. It is a measure to amend the criminal law of the country and it is far better to judge this Bill as a part of that criminal law and in the light of the rest of the criminal law. If one considers all the powers Government already has to exercise in the whole corpus of the criminal law of the province, I think one gets a far more just opinion of this measure than if one treats it by itself. I ask the House to consider such a provision of law as section 151 of the Criminal Procedure Code. This is an old provision of law and it runs as follows :—

“ A police officer knowing of a design to commit any cognizable offence may arrest without orders from a magistrate and without a warrant the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.”

Pir Akbar Ali : But the very next paragraph shows that he has to proceed within 24 hours to produce him before a magistrate.

Mr. J. D. Anderson : That is quite true but that is not my point. My point is that the law contemplates and must contemplate the power of arrest even by a police constable and if a police constable can come to the conclusion of that kind how much more then either this Government or the future Government which is to bear sway in this province. Then I will ask you also to consider section 144. There too the magistrate has in the exercise of his judgment to consider taking action before the people against whom he acts have taken action.

Pir Akbar Ali : Then there is no necessity for this section when there is already a provision for that purpose.

Mr. J. D. Anderson : I am not talking about the necessity of the section at all. I am talking about the principle. My honourable friend talked of the principle. It is to that I am trying to reply. I do venture to say that if one were to observe the sense of proportion about this Bill, it is necessary to take in the whole text (*hear, hear*).

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*) : I have been trying for the last three days to speak on this Bill but somehow or other I have not been able to obtain your permission to address the House. Two things have struck me as very novel. First, the Government is trying hard to make repressive laws to end the present agitation, but it has not given a moment's thought as to why this agitation was set in motion. Secondly, the Government is well known for its tendencies to anglicize everything in this country. The use of English made articles of daily use is encouraged ; cloth manufactured in English factories is popularized and even the cut of the clothes is preferred to be English. But the laws which the Government proposes for this unfortunate country have not the least resemblance to those promulgated by the Government at Home. The laws selected by the Government for promulgation in this country are typically *desi*. (*Laughter*). My honourable friend Khan Bahadur Mian Mushtaq Ahmad Gurmani has lent his support to this Bill. I know he is very fond of English fashions. He has put on an English

[Ch. Muhammad Abdul Rahman Khan.]
 suit. He likes everything liked by white men. I ask why a white law should not be preferred for this country and why a black Bill should be moved in this Council. (*Laughter*). I am really very sorry to note that nobody has tried to go to the root of this agitation, but repressive laws are being proposed to bring it to an end.

Mr. President : The honourable member is irrelevant.

Chaudhri Muhammad Abdul Rahman Khan : I want to urge, that if the root cause of the present agitation is found out and a remedy suggested thereto, the necessity for incorporating a clause like clause 3 will disappear as a matter of course. The restrictions proposed in this clause are not even imposed by man on animals. The cultivator takes work from his bulls only for 12 hours and then lets them rest. Nay, even the plague rats are not subjected to the torture contemplated for men in this clause. They are put to death soon after they are caught and are not left to starve. But the victims of clause 3 of the proposed Bill will starve and nobody will come to their help. (*Laughter*). I venture to propose a remedy which will eliminate the necessity for incorporating clause 3 in this Bill. The root cause of the agitation is not that the people in any way are dissatisfied with the present Government. On the other hand they think that it is due to the presence of the English people that comparative peace is maintained in this country. If the English people had left this country we would have fought amongst ourselves and perished. Then what is our grievance against the Government? It is this. Last time the Bill was passed mainly by Muslim votes. Now when the Muslim support is lacking the Government has joined hands with the Sikhs.

Mr. President : The honourable member is again irrelevant. Will he please speak to the motion under consideration?

Chaudhri Muhammad Abdul Rahman Khan : Now the Government is desirous of seeing the end of the present agitation and that with the help of the Sikhs.

Mr. President : The honourable member is again irrelevant.

Chaudhri Muhammad Abdul Rahman Khan : This law is meant to deal with the political offences. The Government should take steps to find out the root cause of political unrest. For instance, compare the daily earnings of an Indian labourer with those of an English labourer.

Mr. President : The honourable member is again irrelevant.

Chaudhri Muhammad Abdul Rahman Khan : It is the fundamental principle of law that an innocent person should not be allowed to be punished, although it may involve hundreds of guilty persons escaping punishment. But this law will not give any opportunity to people of establishing their innocence. To crown all, the Government will be in a position to give or deny the means of subsistence to the victims of this law. I want to ask Government if they are now legislating for human beings.

Mr. F. H. Puckle (Chief Secretary) : I do not propose to waste the time of the House for long. Some honourable members have raised the question of the payment of allowances to persons who under section 3 are either externed from a particular

place or interned in a particular place. Government can give no assurance that whatever the circumstances, whatever the conditions of any particular case, an allowance will be paid to a person who has been externed from or interned in a particular place. Some of these persons are in receipt of allowances and some are not. The House may be interested to know that all those who have been dealt with under section 3 in connection with the Shahidganj agitation, all except one, and he is interned in his own home, are in receipt of allowances. If they are not receiving this allowance or complain of the amount, as I sometimes read in the papers, they know to whom to apply, and that is to the deputy commissioner of the district where they are confined who will, and has instructions to, forward the case for the consideration of Government.

Mr. President : Question is—

That clause 3 as amended stand part of the Bill.

The Council divided : Ayes 45, Noes 9.

AYES.

Abdul Aziz, Khan Bahadur Mian.	Muhammad Hasan, Khan Sahib
Anderson, Mr. J. D.	Makhdum Shaikh.
Arjan Singh, Sardar.	Mushtaq Ahmad Gurmani, Khan
Askwith, Mr. A. V.	Bahadur Mian.
Balbir Singh, Rao Bahadur, Captain	Muzaffar Khan, Khan Bahadur
Rao.	Captain Malik.
Bourne, Mr. F. C.	Muzaffar Khan, The Honourable
Boyd, The Honourable Mr. D. J.	Khan Bahadur Nawab.
Bradford, Mr. W. G.	Narendra Nath, Diwan Bahadur
Dobson, Mr. B. H.	Raja.
Fazl Ali, Khan Bahadur Nawab	Nathwa Singh, Chaudhri.
Chaudhri.	Nur Khan, Khan Sahib Risaldar
Fazl Ilahi, Khan Sahib Shaikh.	Bahadur.
Firoz Khan Noon, The Honourable	Ogilvie, Mr. C. M. G.
Malik Sir.	Pancham Chand, Thakur.
Ghani, Mr. M. A.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honour-	Rahman, Khan Bahadur Dr. K. A.
able Dr. Sir.	Ram Singh, 2nd-Lient. Sardar
Gopal Das, Rai Sahib Lala.	Sahib Sardar.
Gurbachan Singh, Sardar Sahib	Riasat Ali, Khan Sahib Chaudhri.
Sardar.	Roberts, Professor W.
Janmeja Singh, Captain Sardar	Sanderson, Mr. B.
Bahadur Sardar.	Sewak Ram, Rai Bahadur Lala.
Jaswant Singh, Guru.	Shah Nawaz Khan, Nawab Khan.
Jogendra Singh, The Honourable	Sheo Narain Singh, Sardar Baha-
Sardar Sir.	dur Sardar.
Jyoti Prasad, Lala.	Tate, Mr. T. B.
Labh Chand Mehra, Rai Sahib Lala.	Ujjal Singh, Sardar Sahib Sardar.
Mayadas, Mr. E.	Umar Hayat, Chaudhri.
Muhammad Amin Khan, Khan	Zaman Mehdi Khan, Khan Bahadur,
Bahadur Malik.	Malik.

[Mr. President.]

NOES.

<p>Afzal Haq, Chaudhri. *Akbar Ali, Pir. Allah Dad Khan, Chaudhri. Asadullah Khan, Chaudhri. Mazhar Ali Azhar, Maulvi.</p>	<p>Muhammad Abdul Rahman Khan, Chaudhri. Muhammad Sadiq, Shaikh. Ram Sarup, Chaudhri. Sampuran Singh, Sardar.</p>
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Clauses 4 and 5.

Mr. President : The question is—

That clauses 4 and 5 stand part of the Bill.

The motion was carried.

Clause 6.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : I beg to move—

That in clause 6, sub-clause (2), lines 2 and 3 the words ' notwithstanding that it is held in a private place and ' be omitted.

If this expression is allowed to stand it will mean that no person will be at liberty to hold any private, domestic, religious ceremonies in his own house, nor will he be able to invite his relations and friends for any ceremonial occasions. I therefore think that these words should be omitted from this clause.

Mr. President : Clause under consideration, amendment moved—

That in clause 6, sub-clause (2), lines 2 and 3, the words ' notwithstanding that it is held in a private place and ' be omitted.

The Honourable Mr. D. J. Boyd (Finance Member) : I only wish to point out that the honourable member has obviously omitted reference to sub-clause (1) of this clause. It says ; " public meeting " means a meeting which is open to the public or to any class or portion of the public. There is no question of a private marriage party or a party of any kind ; it must be open to the public or to any class such as the Arya Samaj or an Anjuman. It does not apply to a family at all.

Khan Bahadur Malik Zaman Mehdi Khan : Then I beg for leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. President : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : I beg to move—

In clause 7, last line, the words ' constables or men ' be substituted for the word ' officers ' after the word ' police. '

This is only a sort of verbal substitution of the words ' constables or men ' for the word ' officers. ' To say that a head constable may be accompanied by a police officer would be rather anomalous.

Mr. President : Clause under consideration, amendment moved—

In clause 7, last line, the words 'constables or men' be substituted for the word 'officers' after the word 'police.'

Mr. J. D. Anderson (Legal Remembrancer) : May I point out to the honourable member that the expression 'police officers' includes constables and men. I invite his attention to section 4, sub-section 1 (p) of the Code of Criminal Procedure. In that the words occur ; "A police officer present at the station house who is next in rank to such officer and is above the rank of constable——"

Khan Bahadur Malik Zaman Mehdi Khan : I know that. It does not read well if you put down the word 'officer' after the words 'sub-inspector' or 'inspector.'

Mr. J. D. Anderson : It is the usual language. I assure the honourable member that there is no need for an amendment.

Mr. President : The question is—

In clause 7, last line the words 'constables or men' be substituted for the word 'officers' after the word 'police'.

The motion was lost.

Mr. President : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Mr. J. D. Anderson (Legal Remembrancer) : I beg to move—

That in clause 8, line 8, the words 'neglects to comply with, or' be omitted.

I trust that no member of the House will oppose this amendment which seems to me necessary to remove a most tyrannical provision of the present Act. If you read clause 8 with clause 7, you will see that a district magistrate is authorised to appoint by order in writing any person to attend a public meeting to take down a report. According to clause 8 if such a person neglects to comply with that order, the district magistrate may take such action as he thinks necessary to give effect to this order. I venture to suggest that this provision of law is both drastic in the extreme and altogether unnecessary in practice. I move my amendment.

Mr. President : The question is—

That in clause 8, line 8, the words 'neglects to comply with, or' be omitted.

The motion was carried.

Mr. President : The question is—

That clause 8 as amended stand part of the Bill.

The motion was carried.

Clause 9.

Mr. J. D. Anderson (Legal Remembrancer) : I beg to move—

That in clause 9, sub-clause (b), line 1, the words 'neglects to comply with, or' be omitted.

The Bill as it stands drafted in the terms of the Act already in force is exceedingly drastic. If a district magistrate calls any member of the public

[Mr. J. D. Anderson.]
to report the proceedings of a meeting and that member fails to comply with the order he can be sent to jail for six months. The provision is too drastic to be of any practical use. I move the amendment.

Mr. President : The question is—

That in clause 9, sub-clause (b), line 1, the words ' neglects to comply with, or ' be omitted.

The motion was carried.

Mr. President : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

Clause 10.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): I beg to move—

That in clause 10, sub-clause (2), lines 7 and 8, the words ' or rent of agricultural land or anything recoverable as arrears of or along with such rent ' be omitted.

If I understand this aright it means that this sentence or part of this clause gives power to a private landlord to have his rent recovered through the machinery of this Act. If that is so, then it takes away practically the powers of the revenue court, and I do not see any reason why the Government should help an ordinary landlord or a proprietor to recover his rent under the machinery of this Act. It is all very well if these powers are given to Government or local bodies to recover dues, but I do not see any reason why this power should be conferred upon ordinary landlords or proprietors.

Mr. President : Clause under consideration, amendment moved —

That in clause 10, sub-clause (2), lines 7 and 8, the words ' or rent of agricultural land or anything recoverable as arrears of or along with such rent ' be omitted.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I want to oppose the amendment for this simple reason. When extraordinary powers have been given under the Act to realise a notified liability which is due to Government, why should not that condition be also applied in the case of zamindars for their rent? As I spoke yesterday in this connection, non-payment of rent is more detrimental to private landlords or land-owners than it is to Government, if their dues are not paid. The resources of Government are more comprehensive and the Government is richer than the ordinary man and can carry on if its dues are not paid, but imagine the case of the ordinary zamindar. If his rents are withheld I do not know what his position will be. He will be driven, as I have said before, to a life of starvation and unless we save the zamindar who is the backbone of the province, it will be very hard for us to maintain the condition of society which exists in the province to-day. Moreover clause 13, sub-clause (2) in a way, I think, allows the man to have recourse either to the ordinary law of the land or to the law provided under this act, and if he moves the machinery of law under sub-clause (1), it is only then that these extraordinary provisions come into force. As the necessity for realisation of liabilities due to a private land-owner is greater than in the case of liabilities due to Government I would press that these words should be retained in the section as proposed.

The Honourable Mr. D. J. Boyd (Finance Member): Perhaps I might explain the meaning of the words which the mover of the amendment wishes to delete. I think the meaning has not been entirely appreciated. As I said in moving the motion for consideration, this Bill is aimed at subversive movements, such as civil disobedience, terrorism, communism and the cult of communalism when it becomes subversive. These particular words are aimed at a no-rent campaign of a general nature. They have nothing to do, at least they are not intended for the realisation of rent due to one landlord or to another landlord. The clause is meant to apply to a general no-rent campaign which has already been part, and an important part, of a very definite subversive movement. The clause would never be used by Government except against subversive movements including the no-rent campaign.

Khan Bahadur Malik Zaman Mehdi Khan: I beg for leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. President: The question is—

That clause 10 stand part of the Bill.

The motion was carried.

Clauses 11, 12 and 13.

Mr. President: The question is—

That clauses 11, 12 and 13 stand part of the Bill.

The motion was carried.

Clauses 14 to 18.

Mr. President: The question is—

That clauses 14 to 18 stand part of the Bill.

The motion was carried.

Preamble.

Mr. President: The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1, sub-clause (1).

Mr. President: The question is—

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

Mr. J. D. Anderson: I request you to exercise your power under Standing Order 50 and appoint a drafting committee to go through the Bill to see what amendments of a formal and consequential character should be made in the Bill.

Mr. President: As this Bill was not referred to a select committee I have no power to nominate the Deputy President or one of the panel of chairmen to serve on the drafting committee.

Mr. J. D. Anderson : The committee may consist of the remaining members mentioned in the Standing Order.

Mr. President : Under article 94 of our Business Manual I direct that the Bill be examined by a committee consisting of the Honourable Mr. D. J. Boyd and Mr. J. D. Anderson, the Legal Remembrancer and a report submitted by the 11th November as to what amendments of a formal or consequential character should be made in the Bill as a matter of drafting.

THE PUNJAB CONTROL OF PUBLIC UTILITY SERVICES BILL.

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to introduce the Punjab Control of Public Utility Services Bill and to move—

That the Punjab Control of Public Utility Services Bill be circulated for the purpose of eliciting opinion thereon.

The statement of objects and reasons gives the reasons for the introduction of this legislation sufficiently. At this stage I have only one thing to say. I saw in a newspaper, the *Tribune* I think it was, a statement that this Bill was totally unnecessary because the Government could do with the aid of section 144 of the Criminal Procedure Code what it proposed to do under the present Bill. As most of the members may be aware the difficulty that arose between the Lahore Electric Supply Co., and the municipality was overcome by the use of section 144, but we have no final ruling with regard to this solution of the problem. Until we are certain that we can use section 144 for the purpose for which it was used last time, it would be unwise to let things drift merely trusting to luck. We might possibly be confronted again—I do not think it is likely—with a similar situation and the lighting and water supply of the city might be at stake. I think it therefore proper to introduce this Bill. At the same time I should like to ascertain what the public opinion generally is about this Bill and I therefore move that it be circulated for eliciting opinion.

Mr. President : The question is—

That the Punjab Control of Public Utility Services Bill be circulated for the purpose of eliciting opinion thereon.

The motion was carried.

THE PUNJAB MUNICIPAL (AMENDMENT) BILL.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I beg to introduce the Punjab Municipal (Amendment) Bill and to move—

That the Punjab Municipal (Amendment) Bill be taken into consideration at once.

As the honourable members might have observed this is a very short Bill. It consists of only four clauses three of which only are effective. There is one provision of special importance to municipalities and it is this. Some time ago we received a letter from the Government of India that section 51 of the Municipal Act or a part of it was *ultra vires* and when the Act was amended in 1933 we had to omit a part of the section. Subsequently the matter came up for consideration and we pointed out that the letter of the

Government of India went too far. We succeeded in convincing the Government of India that they had gone too far in their letter. They have agreed that the section which had been omitted in consequence of their letter might be restored. That is one part of the Bill. The other important clause relates to the amendment of section 16. Under section 14 (e) the seat of any member of a municipal committee can be vacated by Government by an executive order without giving any reasons. If this is done a disqualification is imposed on the member vacating the seat. It is not considered fair that such a disqualification should be imposed on all members. (*An honourable member* : What is section 14 (e) ?) Section 14 (e) reads—

“The seat of any specified member, whether elected or appointed, shall be vacated on a given date, and in such case, such seat shall be vacated accordingly, notwithstanding anything in this Act or in the rules made thereunder.”

Section 16 provides that disqualification would ensue if a member's seat is thus vacated. In certain cases it is not proper that disqualification should be imposed. Therefore section 16 is sought to be amended.

The other amendment, in clause 4, is a very minor one and it is intended to “provide for the registration, inspection and proper regulation of buildings ordinarily utilized for the residence or treatment of persons suffering from infectious diseases, and for the limiting of the number of such persons who reside in such buildings or part of such buildings”. Thus the Bill is a very simple one and I do not think it necessary to waste the time of the Council by referring it to a select committee and then bringing it up for consideration. I expect the House would proceed with the consideration of the Bill immediately.

Mr. President : Motion moved—

That the Punjab Municipal (Amendment) Bill be taken into consideration at once.

Shaikh Muhammad Sadiq (Amritsar city, Muhammadan, Urban) This clause 16 (2) is like the Criminal Law (Amendment) Bill which has just now been considered. Government is asking power to disqualify a person for 5 years in certain cases. I do not see why the Government should be given power to disqualify a person who has done nothing to deserve this punishment. (*Interruption.*) I know my friend is making the present provision less severe, but I want him to go further and not leave it to the Government at all to have that power. I appeal to him to bring in an amendment so that the Government should have no power to debar a man unless the man has committed an offence. Under section 14 (e) a man may be disqualified even if his form was wrong and Government may not remove the disqualification against his name. He will say, depend upon common sense. But sometimes common sense disappears. Only recently there was a case in Amritsar where a petition for setting aside an election was filed. The magistrate disqualified a person, and that man would have been damned for at least 5 years, but the Honourable Minister upset that decision. Of course there was no appeal; probably the minister read the whole file and that man was saved. The present amendment is much better than the clause as it stands. But I want my friend to go further and in future no Minister should be allowed to disqualify a person unless it is proved that he has committed something against election rules. You know the results of the party system. So my request to him is, examine the rules again and see that they are in conformity with the rules of the Punjab Legislative

[Sh. Muhammad Sadiq.]

Council and the Legislative Assembly where only those people who have done corrupt acts which are specifically defined, are disqualified. I, however, whole heartedly support his amendment and other amendments which bring back to the municipality the revenue which used to come before.

Mr. President : The question is—

That the Punjab Municipal (Amendment) Bill be taken into consideration at once.

The motion was carried.

Clause 1, sub-clause (2).

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

That sub-clause (2) of clause 1 stand part of the Bill.

The motion was carried.

Clauses 2, 3 and 4.

Mr. President : The question is—

That clauses 2, 3 and 4 stand part of the Bill.

The motion was carried.

Preamble.

Mr. President : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1, sub-clause (1).

Mr. President : The question is—

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

The Honourable Dr. Sir Gokul Chand Narang : I move—

That the Punjab Municipal (Amendment) Bill be passed.

The motion was carried.

The Council then adjourned till 2 P. M. on Monday, 28th October 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 28th October, 1935.

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. D. Macfarlane (Chief Engineer, Buildings and Roads).

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

STARRED QUESTIONS AND ANSWERS.

LEASE OF LAND OF A STATUTORY AGRICULTURIST ON A DECREE FROM CIVIL COURTS.

*4687. **Sayad Mubarak Ali Shah** : Will the Honourable Revenue Member please lay a statement on the table showing—

- (a) the total number of cases in which land of a statutory agriculturist was leased out in satisfaction of a decree from the civil courts in Jhang district from 1930 to 1934 ;
- (b) the amount of money which was suggested by the Collector in each case for the leased out land and the period in which the decreed amount was to be realised according to the Collector's recommendations ;
- (c) the actual amount and period in each case for which the civil courts subsequently leased out their lands ;
- (d) in how many cases these lands were leased out—
 - (i) to a member of the statutory agricultural tribe ;
 - (ii) to a non-agriculturist *sahukar* ;
 - (iii) to the decree-holder himself ;
- (e) in how many cases some portions of these lands were reserved for the maintenance of the statutory agriculturist judgment-debtor ;
- (f) in how many cases the lands were given out for the maximum period allowed for this purpose, i. e., twenty years ?

The Honourable Nawab Muzaffar Khan : (a) and (f) A statement is laid on the table.

(b), (c), (d) and (e) It is regretted that the information cannot be given because the labour involved in collecting it would not be commensurate with the results.

[Hon. Nawab Muzaffar Khan.]

Statement.

—	1930.	1931.	1932.	1933.	1934.
(e) The total number of cases in which land of a statutory agriculturist was leased out in satisfaction of a decree from the civil courts in Jhang district from 1930 to 1934.	171	163	173	226	261
(f) In how many cases the lands were given out for the maximum period allowed for this purpose, i. e., twenty years.	21	29	30	41	61

CREDITORS AND DISALLOWANCE OF INTEREST ON PRINCIPAL UNDER
THE REGULATION OF ACCOUNTS ACT.

***4688. Sayad Mubarak Ali Shah :** Will the Honourable Finance Member please lay a statement on the table of the Council showing—

- (a) in how many cases the civil courts in Jhang district disallowed interest on the principal to the creditors for failure to comply with the provisions of the Regulation of Accounts Act directing the money-lenders to send six monthly accounts to their debtors from 1930 to 1933 ;
- (b) the amount thus disallowed to the creditors ;
- (c) in how many cases this amount was allowed by the civil courts notwithstanding the plea put forward by the defendants within the period 1930—33 and what was the interest allowed in such cases to the plaintiffs ?

The Honourable Mr. D. J. Boyd : (a) None.

(b) Does not arise.

(c) In no case was the plea put forward.

STATUTORY AGRICULTURISTS AMONG EMPLOYEES IN CIVIL JUDICIAL
DEPARTMENT.

***4689. Sayad Mubarak Ali Shah :** Will the Honourable Finance Member please lay down a statement on the table of this honourable House showing—

- (a) the total number of employees in the civil Judicial Department of the Jhang district on 31st May, 1935 ;
- (b) their number community-wise (Muslims and non-Muslims) ;
- (c) the number and the amount of monthly emoluments drawn by the members of each community (Muslim and non-Muslim) ;
- (d) the number and the amount of monthly pay drawn by the members of the agricultural statutory tribes holding the subordinate and inferior posts in the Judicial Department of the Jhang district ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

PUNJAB RELIEF OF INDEBTEDNESS ACT AND WARRANTS AGAINST STATUTORY AGRICULTURIST DEBTORS.

***4690. Sayad Mubarak Ali Shah :** Will the Honourable Finance Member please state—

- (a) in how many cases in Jhang district plea was put forward by the creditors for issuing of warrants against the debtors belonging to the statutory agricultural tribes in the Jhang district before the civil courts since the enforcement of the Punjab Relief of Indebtedness Act ;
- (b) in how many cases the civil courts rejected the request of the creditors ;
- (c) in how many cases warrants of arrest were issued by the civil courts against the judgment-debtors belonging to the statutory agricultural tribes ?

The Honourable Mr. D. J. Boyd : (a) 434.

(b) 264.

(c) 11.

This information is upto the 15th September, 1935.

SALE OR LEASE OF DATE TREES BELONGING TO STATUTORY AGRICULTURIST JUDGMENT-DEBTORS.

***4691. Sayad Mubarak Ali Shah :** Will the Honourable Revenue Member please state the number of cases from 1930 to 1934 in which the date trees of the judgment-debtors belonging to the statutory agricultural tribes of Jhang district were either sold or given on lease in satisfaction of decrees by the civil courts ?

The Honourable Nawab Muzaffar Khan : The information required by the honourable member is—

	1930.	1931.	1932.	1933.	1934.
1. Number of cases in which the date trees of judgment-debtors belonging to statutory agricultural tribes were sold in satisfaction of decrees by order of civil courts.	3	8	5	12	7
2. Number of cases in which the date trees of judgment-debtors belonging to statutory agricultural tribes were given on lease in satisfaction of decrees by order of civil courts.			Nil.		

METALLED ROADS.

***4692. Sayad Mubarak Ali Shah :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the headquarters of Jhang district is not connected by means of metalled roads with the headquarters of the province ;
- (b) whether there was a proposal to connect it with Lyallpur and Lahore by constructing a pucca road from Jhang *via* Mochiwala and Thikriwala to Lyallpur ;
- (c) (1) whether the proposal has been suspended for the time being till the proposed re-classification scheme of roads is carried out by the Government ; (2) if so when the metalling of the above mentioned road will be taken in hand ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) There is a scheme under consideration for connecting up Lyallpur and Jhang *via* Mochiwala and Thikriwala by a metalled road.

(c) (1) No.

(2) The work is about to be started from Jhang end.

METALLED ROADS.

***4693. Sayad Mubarak Ali Shah :** Will the Honourable Minister for Agriculture please state—

- (a) whether the two headquarters of tahsils, namely, Chiniot and Shorkot, are not connected with the headquarters of Jhang district by metalled roads and the litigant public from the respective tahsils are put to great trouble and inconvenience in coming to the headquarters of the district ;
- (b) whether the Government is prepared to connect these tahsil headquarters with that of the district provided the District Board is also prepared to share the cost ;
- (c) whether it is also a fact that the District Board, Jhang, allotted Rs. 50,000 to start this work in connection with the Jhang-Chiniot road and they applied for grant-in-aid from the Government ;
- (d) whether it is a fact that the Government has postponed the consideration of a suitable grant to District Board, Jhang, on this account pending the result of the report of the proposed re-classification scheme ; if so, whether the Government is prepared to consider the claims of Jhang district in the re-classification scheme, and give Jhang a high place in that scheme ; if not why not ?

The Honourable Sardar Sir Jogendra Singh : (a) The two tahsil headquarters of Chiniot and Shorkot are not connected by a metalled road to the Jhang district headquarters. The decision of Government to metal any road is influenced to a far greater extent by the total volume of traffic that is likely to use it when it is metalled than by the convenience of litigants.

(b) The whole question of road development is being reviewed and if it is found that these two roads are economic necessities they will be included in the road development programme now being drawn up.

(c) Yes.

(d) The claims of Jhang will be considered along with other districts when the new road development programme is ready.

METALLED ROADS.

***4694. Sayad Mubarak Ali Shah :** Will the Honourable Minister for Agriculture please state—

(a) whether it is a fact that the Government proposes to connect Jhang with Gojra by a metalled road ;

(b) (1) if so, when the actual construction of this road is to be taken in hand and (2) whether it is prepared to connect Jhang with Lyallpur by that route ?

The Honourable Sardar Sir Jogendra Singh : (a) There was a proposal to connect up Gojra and Jhang by a metalled road, which has been dropped.

(b) (1) Does not arise.

(2) Does not arise.

WATER RATE ON LOWER JHELUM CANAL.

***4695. Sayad Mubarak Ali Shah :** Will the Honourable Revenue Member please state—

(a) the total amount of water rate realized in 1984 on Lower Jhelum Canal tract in Jhang district on the basis of schedule A of the water rate rules ;

(b) the amount of water rate that would have been realized on the above tract in case of application of rates contained in schedule B of the water rate rules ;

(c) the excess in case of the former ?

The Honourable Nawab Muzaffar Khan : (a) Rs. 5,46,070.

(b) Rs. 4,86,551.

(c) Rs. 59,519. Orders have been issued making Schedule B applicable to 80 villages in Jhang district with effect from *kharif* 1985.

TAQAVI ADVANCES TO THE SUFFERERS OF 1928-29 FLOODS.

***4696. Sayad Mubarak Ali Shah :** Will the Honourable Revenue Member please state—

(a) whether it is a fact that a considerable amount of taqavi money advanced to the sufferers of the 1928-29 floods in the rivers of Jhelum, Chenab and Indus has been remitted by the Government, if so, the total amount ;

(b) the amount of such remittance in the case of each district like Gujrat, Mianwali, Jhelum, Shahpur, Jhang, Multan, Muzaffargarh and Dera Ghazi Khan ?

The Honourable Nawab Muzaffar Khan : (a) Yes ; Rs. 10,55,994 was remitted.

(b) The remissions were granted in the following districts only :—

	Rs.
Mianwali	2,46,271
Jhelum	1,48,170
Shahpur	15,226
Muzaffargarh	1,96,600
Dera Ghazi Khan	4,49,727

No remissions were given in the districts of Gujrat, Jhang and Multan.

RAI BAHADUR LALA GIRDHARI LAL AS HONORARY SUB-REGISTRAR.

***4697. Sayad Mubarak Ali Shah :** Will the Honourable Minister for Local Self-Government please state—

- (a) the number of years for which Rai Bahadur Lala Girdhari Lal has been working as honorary Sub-Registrar in Jhang district ?
- (b) how many extensions he has got in this office ;
- (c) for how many years he was given the present extension in his office ;
- (d) how much money he has earned in the shape of fees, since he came into this office ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a) 16½ years.

- (b) Five.
- (c) One year.
- (d) Rs. 17,772.

KANUNGO CANDIDATES.

***4698. Chaudhri Ram Sarup :** Will the Honourable Revenue Member kindly state—

- (a) the names, community-wise, of kanungo candidates, enlisted in the Lyallpur district during the years 1930—34 ;
- (b) which of them are agriculturists ;
- (c) the qualifications of the enlisted candidates, and
 - (i) how many of them have received training so far, and
 - (ii) how many are proposed to be trained in the course of this settlement ?

The Honourable Nawab Muzaffar Khan :

- (a) (1) Ghulam Muhammad Muslim.
 - (2) Jagdish Rai } Hindus.
 - (3) Hari Ram }
 - (4) Jagat Singh Sikh.
- (b) Ghulam Muhammad.

(c) Three are matriculates and one has passed the First Arts examination—

- (i) two.
(ii) one.

—————

AUDIT NOTE REGARDING CYCLE ALLOWANCE OF SECRETARY,
MUNICIPAL COMMITTEE, LUDHIANA.

*4699. **Lala Bhagat Ram** : Will the Honourable Minister for Local Self-Government kindly—

- (a) lay on the table the paragraph of audit note for 1933-34 relating to the cycle allowance of Secretary, Municipal Committee, Ludhiana ;
- (b) state whether it is a fact that the Secretary drew cycle allowance at the rate of Rs. 15 a month without the previous sanction of the Commissioner ;
- (c) state whether he did so with the knowledge of the Executive Officer, Municipal Committee, Ludhiana ;
- (d) state what action the committee has taken to recover the amount drawn by the Municipal Secretary without requisite sanction ;
- (e) state what action Government proposes to take against the official at fault ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a) Copies of paragraph 16 of the Audit and Inspection Note on the accounts of the Municipal Committee of Ludhiana for the period October 1932 to September 1933 and of the relevant sub-paragraph of paragraph 1 of the Note for the period October 1933 to March 1934, are laid on the table.

- (b) Yes.
- (c) Yes.
- (d) The amount is being recovered by instalments of Rs. 5 per mensem.
- (e) The attention of the officer concerned has been drawn to the irregularity.

Copy of paragraph 16 of the Audit and Inspection Note, Municipal Committee Accounts, Ludhiana, for the period October 1932 to September 1933.

16. *Secretary's Cycle allowance.*—It has been decided by the Punjab Government that the rate of allowance for the up-keep of cycle should not exceed Rs. 5 per mensem in case of superior and Rs. 4 per mensem, in that of inferior servants.—*vide* Secretary to Government, Punjab, Finance Department, letter No. 18839 (Fin.—Genl.), dated 12th July, 1933. The Secretary is, however, still in receipt of a cycle allowance of Rs. 10 per mensem. The question of reducing the Secretary's cycle allowance as such should be considered by the Committee in view of Government orders quoted above.

Copy of sub-paragraph 16 of paragraph 1 of the Audit and Inspection Note, Municipal Committee Accounts, Ludhiana, for the period October 1933 to March 1934.

16. The rate of cycle allowance of the Secretary was found to have not been reduced to that fixed by the Punjab Government. Instead of doing so the Committee passed a resolution for the grant of a conveyance allowance at Rs. 15 per mensem to him, and the same was paid to the Secretary even in anticipation of the Commissioner's sanction. This was irregular. As the Commissioner has now refused to sanction the payment of conveyance allowance to the Secretary the amount paid in excess should be recovered from him.

FEES IN THE MEDICAL SCHOOL, AMRITSAR.

*4700. **Pir Akbar Ali** : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the fees in the Medical School, Amritsar, have been increased ;
 (b) if so, to what extent ;
 (c) whether the fees were increased under orders of Government or by the Principal of the Medical School, Amritsar, without reference to Government ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, so far as students admitted from 1935 are concerned.

(b) The fees have been raised and work out as follows :—

		From	To
		Rs. A. P.	Rs. A. P.
1st year	Admission Fee	5 0 0	10 0 0
	Tuition fee	<i>Per mensem.</i> 2 8 0	<i>Per mensem.</i> 5 0 0
	Dissection fee	<i>Per annum.</i> 5 0 0	<i>Per annum.</i> 10 0 0
	Practical Chemistry fee	5 0 0	10 0 0
	Practical Physics fee	..	10 0 0
	Total	45 0 0	100 0 0
2nd year	Tuition fee	<i>Per mensem.</i> 2 8 0	<i>Per mensem.</i> 5 0 0
	Dissection fee	<i>Per annum.</i> 5 0 0	<i>Per annum.</i> 10 0 0
	Pharmacy Practical fee	5 0 0	10 0 0
	Physiology Practical fee	5 0 0	10 0 0
	Total	45 0 0	90 0 0
3rd year	Tuition fee	<i>Per mensem.</i> 2 8 0	<i>Per mensem.</i> 5 0 0
	Hospital fee	<i>Per annum.</i> 5 0 0	<i>Per annum.</i> 10 0 0
	Pathology Practical fee	5 0 0	10 0 0
	Post-mortem fee	..	5 0 0
	Total	40 0 0	85 0 0
4th year	Tuition fee	<i>Per mensem.</i> 2 8 0	<i>Per mensem.</i> 6 4 0
	Hospital fee	<i>Per annum.</i> 5 0 0	<i>Per annum.</i> 20 0 0
	Operative Surgery fee	..	10 0 0
	Total	35 0 0	105 0 0

These compare favourably with the fees charged in Arts Colleges, which are as shown below :—

				<i>Total fees.</i>	
				Rs.	A. P.
<i>Intermediate Class—</i>					
Admission fee	..	..	..	4	0 0*
Tuition fee	..	..	..	10	0 0 per mensem.
Physics	..	..	..	9	0 0 per annum.
Chemistry	..	..	..	9	0 0 ditto.
Biology	..	..	..	12	0 0 ditto.
<i>Bachelor of Arts and Bachelor of Science Class—</i>					
Admission fee	..	..	..	4	0 0*
Tuition fee	..	..	..	12	0 0 per mensem.
Psychology experimental		..	..	12	0 0 per annum.
Any other Science subject		..	..	21	0 0 ditto.

(c) They were increased by order of Government.

GOVERNMENT OF INDIA CONTRIBUTION TO THE PUNJAB FOR RURAL UPLIFT.

*4701. **Khan Sahib Chaudhri Riasat Ali:** Will the Honourable Revenue Member please state—

- (a) the amount of money sanctioned by the Government of India to the Provincial exchequer for the purpose of rural uplift;
- (b) the details of the allotment of this money;
- (c) the authority sanctioning this allotment;
- (d) if the money has been received, the probable date of the commencement of this programme?

The Honourable Nawab Muzaffar Khan: (a) Rs. 8,50,000.

(b) A statement is laid on the table.

(c) The schemes mentioned in the statement are in order of preference and were selected from a large number of possible projects by the Governor in Council at a conference which was attended by Heads of Departments and representatives of the Punjab Legislative Council.

(d) The Heads of Departments concerned have been requested to proceed with the schemes at once.

*In Government degree colleges in the Mufussil the admission fee is Rs. 5.

[Hon. Nawab Muzaffar Khan.]

List of schemes to be financed from the Government of India grant for rural development.

ial No.	Name of the scheme.	Cost to be paid from the sub-vention.	Department concerned.
		Rs.	
1	Consolidation of Holdings ..	1,04,050	Registrar, Co-operative Societies, Punjab.
2	Sanitary improvements in 31 villages in Gujrat district.	8,829	Director of Public Health, Punjab.
3	Bore-hole latrines in Shakargarh tahsil	10,000	Ditto.
4	Water-supply schemes	2,25,322	Ditto.
5	Serum Cellars	20,225	Director, Veterinary Services, Punjab.
6	Reconstruction of Veterinary Hospital at Rohtak.	12,000	Ditto.
7	Construction of 10 Veterinary Hospitals.	60,000	Ditto.
8	Broadcasting scheme	48,040	Commissioner, Rural Reconstruction, Punjab.
9	Tanning scheme	75,920	Director of Industries, Punjab.
10	Fruit growing	62,000	Director of Agriculture, Punjab.
11	Well Boring	50,000	Ditto.
12	Cinema films and loud speakers ..	58,614	Commissioner, Rural Reconstruction, Punjab.
13	Sheep Development	15,000	Director, Veterinary Services, Punjab.
14	Discretionary grants	1,00,000	Deputy Commissioners.

SUB-INSPECTORS AND ASSISTANT SUB-INSPECTORS IN THE PUNJAB.

***4702. Khan Sahib Chaudhri Riasat Ali:** Will the Honourable Finance Member please state—

- the total number of sub-inspectors in the Punjab police force ;
- the total number of assistant sub-inspectors in the province ;
- the number of sub-inspectors and assistant sub-inspectors serving in each district on an average ;
- the number of thanas in the districts of Lahore, Amritsar, Rawalpindi, Multan and Ambala, specifying the number of city police stations in each of the places ?

The Honourable Mr. D. J. Boyd : (a) 853.

(b) 418.

(c) Average number of sub-inspectors in a district .. 26·1
Average number of assistant sub-inspectors .. 19·1

(d) •

District.	Total number of police stations in the district.	Number of urban police stations in the headquarters town.
Ambala	17	1
Lahore	31	9
Amritsar	15	2
Multan	22	1
Rawalpindi	14	1

EXECUTIVE OFFICER, MUNICIPAL COMMITTEE, LUDHIANA.

***4703. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please lay on the table, in case it has been forwarded to him, the Urdu pamphlet entitled "Irregularities committed by the Executive Officer, Ludhiana Municipal Committee" by Khwaja Muhammad Azam, Municipal Commissioner, Ludhiana, and state what action he has taken or contemplates to take thereon?

Mr. W. G. Bradford (Secretary, Transferred Departments): No such pamphlet has been received.

KHAN SAHIB DR. NOOR MUHAMMAD, NOMINATED MUNICIPAL COMMISSIONER, LUDHIANA.

***4704. Chaudhri Afzal Haq :** Will the Honourable Minister for Local Self-Government please lay on the table a copy of the petition, dated the 25th June, 1935, addressed to the Honourable Minister for Local Self-Government by Khwaja Muhammad Akram, Municipal Commissioner, Ludhiana, regarding the infringement of municipal laws by Khan Sahib Dr. Noor Muhammad, nominated Municipal Commissioner, Ludhiana, and state what action he has taken thereon?

Mr. W. G. Bradford (Secretary, Transferred Departments): A copy of the petition is laid on the table. The petition was considered, and it was decided that sufficient cause had not been shown for the removal of this member from the Committee, but the Commissioner has been asked to consider the complaints made against him if an occasion arises again for his re-appointment.

Copy of a petition, dated the 25th June, 1935, from Khwaja Muhammad Akram, Municipal Commissioner, Ludhiana, to the Honourable Minister for Local Self-Government, Punjab.

I most humbly and respectfully beg to state that previously I had brought to your notice and to the notice of the local authorities the conduct of Khan Sahib Dr. Noor Muhammad, a nominated member of the Ludhiana Municipal Committee, but so far no tangible result has been communicated to me. The said Municipal Commissioner boasts of his being a nominated member of the Government and is emboldened on this account by taking steps and doing actions contrary to the spirit of Municipal bye-laws because of the fact that no serious action has been taken against the said Member in spite of the fact that the Ludhiana Municipal Committee had unanimously passed a resolution requesting the Government to take action to disqualify the said Municipal Commissioner.

As far as my information goes the Local Offices are not going to take any action against the said Member. Only recently he has commenced to build the upper storey on a stable in Mohalla

[Mr. W. G. Bradford.]

Iqbal Ganj without due sanction. The stable was built contrary to the sanctioned plan. This fact was brought to the notice of the Executive Officer, Municipal Committee, Ludhiana, but so far he has not taken any action against Khan Sahib Dr. Noor Muhammad. In other cases also in which transgression of the Municipal rules were made, legal notices were duly served on said Khan Sahib but afterwards up till now no further action has been taken against said Khan Sahib (due period for each notice having elapsed since last six months).

I have had to submit this application direct to you because I see no good to move the Deputy Commissioner, because no action will be taken on my request as have been the fates of my previous requests. I would demand justice at the hands of the British Government and do not wish that certain favours to the favourites of the Government may be shown disregarding the prestige of law and dignity of the Crown. I, therefore, knock at your door with the request that you will be pleased to send for all the connected files and see for yourself whether my complaints are quite justified or otherwise.

As far as I understand a dodge is being played in all these cases simply to evade taking action against the said nominated member and to allow the period, now remaining, pass unblemished.

I would in the end request you to take immediate action on my this request so that the nominated member, mentioned above, may be dealt with suitably and it may set an example for others.

DETENTION OF SUSPECTS IN THANA.

***4705. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state whether it is a fact that in the Hissar district suspects are usually kept in the thanas without any record of the fact of such detention being kept ?

The Honourable Mr. D. J. Boyd : Two cases of this nature came to notice recently in the Hissar district, but Government have no reason to think that the abuse is common. In the two particular cases judicial and departmental proceedings have been initiated against the police officers concerned.

CORRUPTION AND BRIBERY IN THE POLICE DEPARTMENT.

***4706. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that complaints to the effect that corruption and bribery are rampant in the Hissar district in the Police Department and that police station, Hansi, is notorious for the same, have been made to the Deputy Inspector-General and Inspector-General of Police, and also that the Hissar Bar represented the matter to His Lordship the Chief Justice on the occasion of his visit to Hissar ;

(b) whether Government proposes to take any steps to eradicate the evil from the Police Department of the Hissar district ?

The Honourable Mr. D. J. Boyd : (a) A number of complaints of bribery and corruption on the part of the police in the Hissar district have been received by the Superintendent of Police and the Deputy Inspector-General during the last twelve months. These have all been investigated but in only four cases, none of which related to the Hansi police station, does there appear to have been any basis at all for the allegations. It is also understood that some members of the Hissar Bar made representations in the matter to the Honourable the Chief Justice when he visited Hissar.

(b) Searching enquiries are made into every allegation of corruption, and drastic disciplinary action is taken in every proved case.

COMPLAINTS AGAINST POLICE OFFICIALS.

***4707. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) how many complaints were filed against police officials in the Hissar district during the year 1934-35 ;
- (b) how many of them were sent to the Superintendent of Police for investigation ;
- (c) in how many cases the Superintendent of Police admitted the correctness of the complaints ;
- (d) in how many of these complaints conviction resulted ;
- (e) the reasons for the failure of nearly all the complaints ?

The Honourable Mr. D. J. Boyd : (a) 24.

(b) 22.

(c) 1.

(d) None.

(e) It is understood that some of the cases are still pending in the courts. In the case of those complaints which have been dismissed, the reasons for dismissal are to be found in the magistrate's orders.

CORRUPTION IN POLICE DEPARTMENT.

***4708. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state the number of policemen of thanas of Hissar district who have been transferred during the last three years including 1935, from the thanas or against whom departmental cases have been started because of the allegation of corruption of the thana, dereliction of duty and want of discipline ?

The Honourable Mr. D. J. Boyd : Since the beginning of 1933 departmental proceedings for alleged corruption, neglect of duty or want of discipline have been taken against 7 sub-inspectors, 15 head constables and 81 foot constables belonging to police stations in the Hissar district. No police officers have been transferred as the result of such charges during the period.

BHIWANI MUNICIPAL COMMITTEE.

***4709. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether any petitions from the voters of Bhiwani Municipal Committee have been received by the Government through the Deputy Commissioner, Hissar, or the Commissioner of Ambala division, for taking action under Section 16-F of the Punjab Municipal Act against any of the sitting members of the committee ;
- (b) if so, against whom and what action has been taken by the Government ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a)
No.

(b) Does not arise.

JARANWALA SMALL TOWN COMMITTEE.

***4710. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) the total population of Jaranwala town in the Lyallpur district community-wise ;
- (b) the proportion of Muslim voters to non-Muslim voters at present in the Small Town Committee ;
- (c) whether it is a fact that the Government proposed in 1930 to change the Small Town Committee into a municipality ;
- (d) if so, the reasons for not translating that proposal into action ;
- (e) how many wards were proposed by the Government ;
- (f) whether it is a fact that the Small Town Committee accepted the proposals of the Government ;
- (g) if so, why the Government have not accepted those proposals and acted according to them ;
- (h) whether he will place on the table of the Council the correspondence which passed between his office and that of Deputy Commissioner's and the committee ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : I regret that the answer to this question is not ready.

INTERMEDIATE ARTS COLLEGES.

***4711. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) the name and date of affiliation of each Intermediate Arts College in the province managed by private societies, from 1915 to 1934 ;
- (b) the particulars of endowment fund for the purpose of meeting the recurring expenses as required by the University of the Punjab at the time of affiliation and the nature or amount of endowment handed over by the founders of different colleges to the trustees or managing committee from time to time for the said purpose concerning each such college, from 1915 to 1934 ?

The Honourable Malik Sir Firoz Khan Noon : (a) The names and date of affiliation of Intermediate Arts Colleges in the province managed by private societies from 1915 to 1934 are given below :—

1. D. A.-V. College, Rawalpindi	1920
2. G. N. Khalsa College, Gujranwala	1923
3. Hindu Sabha College, Amritsar	1924
4. Khalsa Intermediate College, Lyallpur	1926
5. D. M. College, Moga	1926
6. D. A.-V. Intermediate College, Hoshiarpur	1927
7. Bishop Cotton School and Intermediate College, Simla	1928
8. M. A. O. College, Amritsar	1933

(b) Up to the year 1929 there were no definite rules for the endowment of institutions except the provision contained in (g) of clause 21 of the Indian Universities Act, 1904, printed at page 84 of the University Calendar for 1934-35. In May 1929 the Syndicate framed certain rules on this subject, copy of which is placed on the table. The only college affiliated after that is the M. A. O. College, Amritsar, which in addition to all the

necessary buildings, etc., had about Rs. 98,000 in reserve. Of late the policy of the Syndicate has been to insist on a reserve fund of Rs. 50,000 in the case of non-Government intermediate colleges in addition to the buildings required. But each case is considered on its own merits and the Syndicate has to satisfy itself as regards the financial stability of the institutions including the amount and nature of endowment and other property including necessary buildings.

UNIVERSITY OF THE PUNJAB.

Rules for the Endowment of Institutions.

I. Every institution founded by individual donors should have such an endowment of properties (moveable or immovable) of which the normal annual income including fees is sufficient to meet in full its annual current expenses. It is understood that the grounds, buildings, furniture and other initial equipment of the institution would be in addition.

II. The following basic conditions for a trust deed must be observed :—

- (1) That the Founder of the Trust is the sole absolute owner of the property endowed.
- (2) That the trust is created by a regularly registered deed.
- (3) That the Founder permanently and unequivocally divests himself, his heirs and executors, of all interest in the property endowed.
- (4) That the endowed property is made to vest permanently and absolutely in the Trustees collectively for the purposes of the Trust.
- (5) That the Board of Trustees consists of at least five members of whom at least 3 are independent persons who are not in any way related to or dependent upon the Founder of the trust.
- (6) That in case of future vacancies in the Board nominations are made by the Board and not by the Founder alone, and such nominations are forthwith reported to the Syndicate.
- (7) That all buildings included in the Trust are sufficiently insured against fire.
- (8) That copies of the proceedings of the Board and a statement of the annual income and expenditure of the Trust is supplied to the Syndicate.

Rules regarding Trustees are not applicable to colleges whose management is vested in societies registered under a Government Act.

INTERMEDIATE ARTS COLLEGES.

*4712. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Education be pleased—

- (a) to lay on the table a list of private Intermediate Arts Colleges managed by private societies ;
- (b) to state the number of students in the first and second year classes in the years 1982 and 1984 ;
- (c) to state the income from fee for the first and second years in 1982 and 1984 ;
- (d) to state the number of professors with their qualifications and monthly bill of pay as recurring expenses for each college approximately for both the classes for the said period ;
- (e) to state the number of students living in boarding house for both classes in 1982—1984 with the rate of boarding fee (monthly) ;
- (f) to state whether it is a fact that the above or similar statistics were collected by the Punjab University Enquiry Committee, 1982-83, if so, for which year ?

The Honourable Malik Sir Firoz Khan Noon : (a) to (e) A statement giving the requisite information is laid on the table.

(f) Yes ; similar statistics were collected by the Punjab University Enquiry Committee for the year 1982-83.

[Hon. Malik Sir Firoz Khan Noon.]

Serial No.	Name of College (Private Intermediate).	EMPLOYMENT ON 31ST MARCH.				NUMBER OF STUDENTS RESIDING IN THE HOSTEL.				INCOME FROM FEES.		NUMBER, QUALIFICATIONS AND MONTHLY PAY OF PROFESSORS FOR THE INTERMEDIATE CLASSES IN				MONTHLY RATE OF BOARDING HOUSE FEE IN	
		1932.		1934.		1932.		1934.		1931-32.	1933-34.	1931-32.	1933-34.	1931-32.		1933-34.	
		I Year.	II Year.	I Year.	II Year.	I Year.	II Year.	I Year.	II Year.	Rs.	Rs.	Qualifications.	Monthly pay.	Rs.	Rs.	Qualifications.	Monthly pay.
2-33.	D. A. V College, Hoshiarpur— <i>vacid.</i>	..	..	..	..	..	..	..	..	Rs.	Rs.	..	Rs.	Rs.	Rs.	..	Rs.
		..	..	..	..	..	..	..	..	..	..	3. M.A. ..	131	..	..	..	136
		..	..	..	..	..	..	..	..	..	..	4. M.A. ..	126	..	..	..	136
		..	..	..	..	..	..	..	..	..	..	5. M.A. ..	118	..	..	..	128
		..	..	..	..	..	..	..	..	..	..	6. M.A. ..	105	..	..	..	115
		..	..	..	..	..	..	..	..	..	..	7. M.A., M.O.L.	131	..	..	..	141
		..	..	..	..	..	..	..	..	..	..	8. M.A., M.O.L.	75	..	..	..	80
		..	..	..	..	..	..	..	..	..	..	9. B.A., B.T.	150	..	..	..	150
		..	..	..	..	..	..	..	..	..	..	10. Shastrī ..	58	..	..	..	63
		..	..	..	..	..	..	..	..	..	..	11. B.A. ..	75	..	..	..	80
		..	..	..	..	..	..	..	..	..	..	12. B.A., (D. P. E.)	..	..	..	..	73

[Hon. Malik Sir Firoz Khan Noon.]

Serial No.	Name of College (Private Intermediate).	ENROLMENT ON 31ST MARCH,				NUMBER OF STUDENTS RESIDING IN THE HOSTEL.			INCOME FROM FEES.		NUMBER, QUALIFICATIONS AND MONTHLY PAY OF PROFESSORS FOR THE INTER-MEDIATE CLASSES IN				MONTHLY RATE OF BOARDING HOUSE FEE IN				
		1932.		1934.		1932.		1934.		1931-32.	1933-34.	1931-32.		1933-34.					
		I Year.	II Year.	I Year.	II Year.	I Year.	II Year.	I Year.	II Year.	Rs.	Rs.	Qualifications.	Monthly pay.	Rs.	Rs.	Rs.	Rs.		
5-44.	Khales College, Lyallpur— <i>contd.</i>	127	84	105	100	15	27	18	16	13,223	14,311	7. M.Sc. ..	118	..	7. B.A., S. A.V.	90	1931-32	Rs.	2
												8. S.V. ..	80	..	8. B.A., H. P.	54	1933-34	Rs.	2
												9. Gyani ..	80	..	9. M.A. ..	50			
												10. S.D.C.E. ..	57	..	10. Gyani ..	72			
												11. M.Sc. ..	100	..	11. S.D.C.E. ..	47			
												12. B.A., H.P. ..	60	..	12. P.T.S. ..	45			
												13. O.T. ..	35	..	13. M.Sc. ..	100			
												14. M.B.A. (Wash.), (M. Sc.)	225	..	14. M.A. ..	135			
												15. M.Sc. ..	140	..	15. O.T. ..	35			
6	D.A.V. College, Rawalpindi.											1. B.A., S. A.V.	325	..	16. M.A. ..	250			
												2. B.A., B.T.	235	..	..	350			

UNIVERSITY PASSES.

*4713. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Education please state—

- (a) the total number of candidates (community-wise) who appeared in each of the examinations of the Punjab University in the year 1935 ;
- (b) the number of candidates community-wise (Hindus, Sikhs, Christians, Muslims and Europeans) who have passed in each of the above examinations ?

The Honourable Malik Sir Firoz Khan Noon : A statement showing the required information is laid on the table.

UNIVERSITY OF THE PUNJAB.
Statement showing the number of candidates appeared and passed (community-wise) in various examinations held in 1935.

Name of Examination.	HINDUS.		MUSLIMS.		SIKHS.		CHRISTIANS.		JAINS.		OTHERS.	
	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.
ORIENTAL FACULTY.												
M. O. L.	1	1	..	..	..	..	..	..	..	..	..	..
ORIENTAL LANGUAGES.												
<i>Sanskrit.</i>												
Prajna	498	295	..	..	..	..	..	..	6	5	..	..
Vibhara	225	112	..	..	..	..	..	..	1	..	..	..
Shastri	233	49	..	..	..	..	..	..	..	..	..	..
<i>Arabic.</i>												
Mauvi .. .. .	..	..	33	22	..	..	..	..	..	..	..	..
Mauvi Alim	1	1	19	11	..	..	..	..	..	..	..	..
Mauvi Fazil .. .. .	..	..	76	37	..	..	..	..	..	..	..	..
<i>Persian.</i>												
Munshi	7	6	103	78	2	2	..	2	..	..	..	..
Munshi Alim	5	5	19	11	1	1	..	..	..	..	..	..
Munshi Fazil	60	30	467	184	29	11	..	2	..	..	..	..

[Hon. Malik Sir Firoz Khan Noon.]

UNIVERSITY OF THE PUNJAB—continued.
Statement showing the number of candidates appeared and passed (community-wise) in various examinations held in 1935—
continued.

Name of Examination.	HINDUS.		MUSLIMS.		SIKHS.		CHRISTIANS.		JAINS.		OTHERS.	
	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.
<i>Hindi.</i>												
Kattan	914	631	..	..	6	4	..	..	15	9	..	..
Banshan	641	370	..	..	10	5	..	..	5	4	..	..
Prabhakar	261	119	..	..	1	..	..	..	12	7	..	..
<i>Punjabi.</i>												
Budhiman .. .. .	..	..	..	..	106	74	..	..	..	..	..	..
Vidwan .. .. .	..	..	..	..	16	13	..	..	..	..	..	..
Gyani	12	5	2	..	384	230	..	..	..	..	..	..
<i>Urdu.</i>												
Proficiency	5	1	40	18	1	..	..	2	..	..	..	..
High Proficiency	27	11	108	46	3	..	3	3	1	..	..	..
Honours	13	5	42	16	3	2	1	..	..	..	..	..
Proficiency in Punjabi (Persian Script)	..	..	2	2	1	1	..	..	..	..	..	..

[Hon. Malik Sir Firoz Khan Noon.]

UNIVERSITY OF THE PUNJAB—concluded.

Statement showing the number of candidates appeared and passed (community-wise) in various examinations held in 1935.—concluded.

Name of Examination.	HINDUS.		MUSLIMS.		SIKHS.		CHRISTIANS.		JAINS.		OTHERS.	
	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.	Appeared.	Passed.
SCIENCE FACULTY—concl.												
B. Sc. Hons. School	37	36	12	9	8	8	1	1	..	..	1	..
M. Sc. Old Type	7	7	4	4	2	2	..	..	..	..	..	..
M. Sc. HONS. SCHOOL.												
Chemistry	8	..	1	..	2	..	1	(Result incomplete.)	..	..	1	..
Botany	1	..	1	1	1	..	..	..	..	..	1	..
Zoology	1	..	1	..	..	..	..	(Result incomplete.)	..	..	..	..
LAW FACULTY.												
F. E. L.	314	213	178	87	117	78	4	2	10	6	..	..
L.L. B.	344	246	127	77	68	45	2	1	10	7	..	..
L.L. M.	5	1	3	..	2	..	..	..	..	..	..	..
Special Test in Law Diploma in Con- veyancing and Pleading	2	2	..	..	1	1	..	..	..	..	..	..
.. .. .	5	4	2	1	1	..	..	..	..	..	..	..

PRISONERS.

*4714. **Shrimati Lekhwati Jain** : Will the Honourable Finance^o Member please state the names of persons confined at the present time in the Punjab jails who have been convicted till 30th June, 1935, of offences under the following sections—

- (i) 121, 121-A ;
 (ii) 124-A ;
 (iii) 153-A ;

and in which of the jails they are confined ?

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

Serial No.	Name of prisoner.	Father's name.	Section of the Indian Penal Code under which convicted.	Jail in which confined.
1	2	3	4	5
1	Yog Raj ..	Beli Ram ..	121-A	Lahore Central Jail.
2	Tara Singh ..	Ditt Singh	121-A	Ditto.
3	Permanand ..	Gaya Parshad ..	121-A	Ditto.
4	Muhammadi ..	Aziz ..	124-A	Ditto.
5	Rattan Chand <i>alias</i> Ratto.	Sita Ram ..	121	Ditto.
6	Girdhari Lal ..	Walli Ram ..	121	Ditto.
7	Karam Singh ..	Dunna Singh ..	121	Ditto.
8	Kishori Lal <i>alias</i> Deo- datt.	Raghubir Datt ..	124-A and 153-A.	Montgomery Central Jail.
9	Sundar Singh ..	Kala Singh ..	121	Multan Old Central Jail.
10	Manohar Singh ..	Lehna Singh ..	121	Ditto.
11	Sadiq ..	Ibrahim ..	121	Ditto.
12	Hazara Singh ..	Jhanda Singh ..	121-A	Ditto.
13	Teja Singh ..	Pohu ..	121, 121-A	Sialkot District Jail.
14	Indar Singh ..	Jit Singh ..	121, 121-A	Ditto.
15	Faqir Chand ..	Madho Ram ..	121-A	Ferozepore District Jail.
16	Ajaib Singh ..	Waryam Singh ..	121-A	Jhelum District Jail.
17	Dr. Satya Pal ..	..	124-A	Gujrat Subsidiary Jail.
18	Walaiti Ram ..	Daulat Ram ..	121	Lyallpur District Jail

NOTE.—In many of the above cases the convictions were on charges under other section^o of the Code, as well as under the sections here particularly mentioned.

REVISION OF PAY.

***4715. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state—

- (a) whether he has made any announcement in pursuance of his statement in the last session of the Council regarding the revision of grades of pay of new entrants to the Government service ;
- (b) if not, the cause of this delay and when he proposes to make the said announcement ?

The Honourable Mr. D. J. Boyd : (a) and (b) No : the Punjab Government have considered the rates of pay for Class I and Class II Services and certain other posts and in some cases the new rates have been applied ; but no announcement can be made till the rules for the application of the new rates are determined. These rules have been referred to the Government of India.

PRISONERS.

***4716. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state the total number of prisoners in the Punjab jails in A, B and C classes, respectively, on 30th June, 1935 ?

The Honourable Mr. D. J. Boyd :

" A " class	..	..	..	..	1
" B " class	..	..	..	..	69
" C " class	..	..	..	..	21,800

TEACHERS IN PHYSICS.

***4717. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that posts of teachers in Physics fell vacant at the Government Intermediate College, Pasrur, and at the Government College, Hoshiarpur, towards the end of 1934 ;
- (b) to whom the post in the Government Intermediate College, Hoshiarpur, was offered in the first instance ;
- (c) whether he accepted it or declined it ; if the latter, on what grounds ;
- (d) whether he has accepted the post elsewhere ;
- (e) to whom the post at Hoshiarpur was then offered and for what period it has been lying vacant ?

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

(b) and (c) It is not in the interests of the public service to disclose names in answers of this nature.

(c) Some of the candidates declined the offer because the pay offered was not acceptable to them.

(d) Government is not aware of the fact that any of the candidates has accepted a post elsewhere.

I must confess I have failed to realize the object underlying this question.

PROVINCIAL EDUCATIONAL SERVICE.

***4718. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education please state—

- (a) how many persons have been promoted to Provincial Educational Service, Class I permanent, since 1st March, 1931 ;
- (b) how many of them are Muslims, Hindus and Sikhs and what their qualifications are and for how long they had served the Department before promotion to Provincial Educational Service, Class I ?

The Honourable Malik Sir Firoz Khan Noon : (a) 11 (8 permanent and 3 officiating).

- (b) 4 Muslims.
2 Sikhs.
3 Hindus.
1 European.
1 Christian.

For their qualifications and length of service the honourable member is referred to the history of gazetted officers which is in the Council Library. It may, however, be added for the honourable member's information that promotions to the Punjab Educational Service (Class I) are made strictly by selection and on the recommendation of the Public Service Commission,—*vide* rule 6 of the Punjab Educational Service (Class I) Rules, a copy of which is placed in the Council Library. If the honourable member's object in asking this question was to show that Hindus had not received their due share I hope he will now realize that three Hindus against four Muslims goes to show that if in accordance with his line of thought promotions were to be decided merely on communal consideration in future a much larger number of Muslims than Hindus should receive promotions.

Sardar Sahib Sardar Ujjal Singh : Will the Honourable Minister please name the Sikhs who have been promoted to Class I ?

The Honourable Malik Sir Firoz Khan Noon : I require notice for this question.

EDUCATION DEPARTMENT.

***4719. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) whether he is aware of the fact that in the Education Department in the Central Provinces all the teachers in Government Colleges are in grades of Rs. 144—7—200 and in the United Provinces in the grade of Rs. 150—10—300 ;
- (b) whether it is a fact that a similar proposal was made by a committee of principals of the Punjab colleges in 1928 ; if so, what steps he proposes to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) The information received from the two provinces does not support the facts as stated by the honourable member. It will, however, interest the honourable member to know that the teachers employed in Government colleges in this province

are on the whole better paid and have better prospects than those employed in the two provinces mentioned by the honourable member, even if the figures given by him were accepted as accurate. There are at present in colleges—

- 16 posts in the I. E. S. and P. E. S., Class I.
- 66 posts in the P. E. S., Class II.
- 48 posts in Rs. 200—10—250 grade.
- 70 posts in Rs. 140—10—190 grade, and only
- 40 in the two lower grades of the Anglo-Vernacular section of the Subordinate Educational Service (38 in Rs. 110—5—135 grade and two in Rs. 80—4—100 grade).

(b) Yes. A proposal for a similar time-scale was made in 1928, but it was not approved by my predecessor.

PROMOTION OF TEACHERS.

***4720. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) how many senior vernacular teachers have been promoted to the posts of vernacular teachers because of their passing either Munshi Fazil or Maulvi Fazil, or Maulvi Alim Examination within the last five years in the Education Department, Punjab ;
- (b) if senior vernacular teachers passing Oriental Title Examination supersede others in regard to promotion, why Shastri Oriental teachers holding corresponding titles are deprived of their legitimate promotion ?

The Honourable Malik Sir Firoz Khan Noon : (a) It is not quite clear what the honourable member means. The Senior Vernacular teachers cannot obviously be promoted to the posts of vernacular teachers. If by 'vernacular teachers' the honourable member means 'classical teachers' then the answer is 'no', for the classical and vernacular teachers are now recruited in the same initial grade.

(b) For the principles of promotion applicable to the Classical and Vernacular Section of the Subordinate Educational Service the honourable member is referred to my answer to part (a) of question No. *2825¹ asked by Shrimati Lekhwati Jain in the budget session of 1934. The reason why no Shastri has received special promotion is that none so far has become eligible for such promotion under the rules.

SANSKRIT TEACHERS.

***4721. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) how many Hindi teachers with Sanskrit qualifications have been promoted to the posts of Sanskrit teachers on the retirement of the latter ; if not, why not ;
- (b) how many Sanskrit teachers have been appointed directly as such ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The period for which the information is required may kindly be specified.

It may, however, be added for the honourable member's information that for the purpose of promotions the Classical and Vernacular Section like the Anglo-Vernacular Section of the Subordinate Educational Service, is now treated as one and promotions are made according to certain well defined principles which were explained in part (a) of my answer to Council Question No. 2825¹* asked by Shrimati Lekhwati Jain in the Budget Session of 1934. As regards appointments, all teachers in the Subordinate Educational Service, Classical and Vernacular Section, now start on Rs. 35—3—50 and are eligible for promotion to the highest grade of the service. It is, therefore, immaterial so far as promotions are concerned whether any one works as a classical teacher or as a vernacular teacher.

LAND REVENUE ON PRIVATE GARDENS.

***4722. Rai Bahadur Lala Sewak Ram :** Will the Honourable Revenue Member be pleased to state—

- (a) whether Government has decided to charge land revenue once a year on private gardens ;
- (b) if so, whether the attention of all the Commissioners, Deputy Commissioners and Canal Officers has been drawn to this decision ;
- (c) if not, what steps Government wishes to take in the matter ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

(c) The case has been thoroughly considered and it has been decided by Government not to upset the existing methods of assessment, approved under varying circumstances at settlements, by issuing any orders of general application on the subject.

PAKPATTAN MUNICIPALITY.

***4723. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether he has received representations from the people of Pakpattan to grant electoral system to Pakpattan municipality ;
- (b) if so, what steps Government proposes to take in the matter ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a) Yes.

(b) The electoral rules of the committee have been notified in the Gazette and the Commissioner has been asked to take steps to hold the general elections of the Committee as soon as it can be done under the Rules.

ADMISSION TO GOVERNMENT COLLEGE, LAHORE.

***4724. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education kindly state :—

- (a) the number of students admitted in the 1st year class of the Government College, Lahore, in the year 1933 ;
- (b) the number of students admitted who had passed their matriculation in the 1st division and 2nd division ;
- (c) the number of students who failed in the F. A. Examination out of the group mentioned in (a) ?

The Honourable Malik Sir Firoz Khan Noon : (a) 206 (out of which 53 discontinued studies during the year and did not appear in the University examination).

- | | | | | | |
|------------------|----|----|----|----|-----|
| (b) 1st division | .. | .. | .. | .. | 88 |
| 2nd division | .. | .. | .. | .. | 113 |
- (c) 47.

FAILED STUDENTS, GOVERNMENT COLLEGE, LAHORE.

***4725. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education kindly state :—

- (a) the number of students who failed in the year 1935 in the F. A. Examination from Government College, Lahore ;
- (b) the number of failed students re-admitted in the 2nd year class of Government College, Lahore ?

The Honourable Malik Sir Firoz Khan Noon :

- (a) Number of students who failed in the F. Sc. and F. A. examination in 1935 53
- (b) Number of failed students re-admitted in 2nd year class 12

AGRICULTURAL DEBTS.

***4726. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Finance Member be pleased to state :—

- (a) whether it is a fact that after the enactment of the Punjab Relief of Indebtedness Act, propaganda has been started in rural areas of the Punjab and particularly in Ferozepore, Lyallpur, Gujrat, Gujranwala, Multan and Montgomery that by the enactment of this law all agricultural debts have been wiped off ;
- (b) whether it is a fact that in various parts of the province forcible possession of the lands which had been given out on lease in satisfaction of decrees of courts have been taken by the zamindars ;
- (c) whether these facts have been brought to the notice of the Punjab Government and the Inspector-General of Police by the Punjab Traders' Association, Lyallpur ;
- (d) if so, what action Government has taken or proposes to take in this connection ;
- (e) whether Government made any enquiries into these allegations ?

The Honourable Mr. D. J. Boyd : (a) In the first weeks after the passing of the Act rumours were current in a few districts that there was no longer any need for agriculturists to pay their debts; and in the Montgomery district there was some attempt at propaganda. The officials in Montgomery took prompt steps to contradict the stories which were being put into circulation, and it is understood that rumours of this sort are now generally discredited.

(b) One incident of this nature occurred in the Lyallpur district in June last, and action under sections 151 and 107 of the Code of Criminal Procedure was taken. No other case of the kind has been reported.

(c) A representation was addressed by the Punjab Traders Association to His Excellency the Governor at the end of June last, with a copy to the Inspector-General of Police.

(d) If any specific complaints are received, enquiry will be made.

(e) Attention is invited to the answers to parts (a) and (b).

UNSTARRED QUESTIONS AND ANSWERS.

LICENCES UNDER THE WILD BIRDS AND ANIMALS PROTECTION ACT.

1205. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

(a) the number of licences issued under the Wild Birds and Animals Protection Act up to 31st March, 1935;

(b) the amount realised in fees;

(c) the number of prosecutions for the breach of the Act?

The Honourable Nawab Muzaffar Khan : (a) 5,436.

(b) Rs. 31,295-8-0.

(c) 17.

SUPPLY OF HYDRO-ELECTRIC CURRENT TO MILITARY DAIRY FARM, FEROZEPORE.

1206. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether hydro-electric current is going to be supplied to the Military Dairy Farm at Ferozepore, if so, when;

(b) the distance separating the Military Dairy Farm, Ferozepore, from the Canal Colony;

(c) whether it is proposed to connect the Canal Colony, Ferozepore, by extending the connection mentioned in (a) above?

The Honourable Dr. Sir Gokul Chand Narang : (a) No, as no application for supply has been received from the Military Dairy Farm.

(b) Approximately $\frac{3}{4}$ mile.

(c) No, as no application has been received from the Canal Colony for further supply.

MOTOR LORRY ACCIDENT.

1207. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that on or about the 21st of June 1935 a serious motor lorry accident occurred on the Lahore-Kasur road in the jurisdiction of police station Amar Sidhu ;
- (b) whether it is a fact that about a dozen persons received injuries as a result of that accident ;
- (c) whether it is a fact that the driver of the lorry in question was drunk ;
- (d) if so, what steps the Government took to ensure that a man in a drunken state should not have been allowed to drive a motor lorry which is a public vehicle ;
- (e) if it has not been the practice to take any action in this connection in the past, whether the Government is considering the question of adopting measures to ensure it in the future ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) The honourable member doubtless refers to a lorry accident which took place near Duloo Khurd on the Lahore-Ferozepore road on the afternoon of the 20th June.

(b) Eight persons travelling in the lorry were injured, two of them seriously.

(c) The driver was examined by a District Board doctor shortly after the accident and was found to be sober.

(d) Does not arise.

(e) Applicants for licences to drive public motor vehicles are already required to produce certificates of medical fitness. One of the questions which the medical practitioner is required to answer, in completing the certificate, is whether the applicant shows any signs of excessive addiction to alcohol or drugs.

 VOCATIONAL TRAINING IN GOVERNMENT HIGH SCHOOLS.

1208. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

- (a) whether vocational training is compulsory in any Government High School ;
- (b) if so, the names of such schools ;
- (c) the kinds of vocational training that is being imparted in these institutions ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (c) Facilities for practical training in agriculture, woodwork, shorthand, typewriting and accountancy are provided in a number of Government schools and colleges, but attendance at these classes except those for woodwork is not compulsory.

(b) A list of such institutions is placed on the table.

[Hon. Malik Sir Firoz Khan Noon.]

List of Government schools in which provision exists for teaching manual training.

1. Lahore.	17. Hoshiarpur.
2. Gujranwala.	18. Ludhiana.
3. Sialkot.	19. Jullundur.
4. Amritsar.	20. Tanda.
5. Sharaqpur.	21. Jagraon.
6. Gurdaspur.	22. Garhshankar.
7. Simla.	23. Mianwali.
8. Karnal.	24. Kahuta.
9. Jagadhri.	25. Phalia.
10. Rohtak.	26. Lalamusa.
11. Ambala.	27. Naushera.
12. Rewari.	28. Multan.
13. Hissar.	29. Jampur.
14. Bahadurgarh.	30. Kamalia.
15. Gurgaon.	31. Dera Ghazi Khan.
16. Dharamsala.	32. Kot Adu.

COMPULSORY PRIMARY EDUCATION.

1209. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

(a) whether the committee appointed by the Council to consider the question of compulsory primary education, has met and made any report ;

(b) whether copies of the report are going to be supplied to Council members ;

(c) if so, by when ?

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

(c) As soon as possible.

LOCAL BODIES AND EMERGENCY CUT IN THE SALARIES OF THEIR STAFF.

1210. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state whether there are any local bodies that are since 1st April, 1935, enforcing the emergency cut in the salaries of their staff ; if so, whether a statement showing their names will be laid on the table ?

The Honourable Dr. Sir Gokul Chand Narang : Yes. A statement containing the requisite information is laid on the table.

Statement showing the names of Local Bodies that are still applying the emergency cut in the salaries of their staff.

Name of District.	Names of local bodies.
Hissar	District Board, Hissar, and Municipal Committee, Bhiwani.
Rohtak	Municipal Committee, Beri.
Gurgaon	Municipal Committee, Palwal and Town Committee, Sohna.
Karnal	Municipal Committees of Kaithal and Thanesar and Town Committees of Ladwa and Radaur.
Ambala	District Board, Ambala, Municipal Committee, Ambala City and Municipal Committee, Jagadhri.
(NOTE.—The District Board, Ambala, has resolved to remove the cut with effect from the 1st October, 1935).	
Kangra	District Board, Kangra, and Town Committees of Nurpur and Palampur.
Hoshiarpur	District Board, Hoshiarpur.
Ludhiana	District Board, Ludhiana.
Ferozepore	District Board, Ferozepore and Municipal Committee, Ferozepore.
(NOTE.—They will remove the cuts with effect from 1st October, 1935, and 31st March, 1936, respectively).	
Lahore	Municipal Committees of Lahore, Baghbanpura-cum-Bhogiwal, Chunian, Kasur and Patti, and Town Committees of Khudian and Padhana.
Amritsar	The District Board, Amritsar, continued to enforce the emergency cut in the salaries of the teachers in its employ after 1st April, 1935; but removed it with effect from 1st July, 1935.
Gurdaspur	District Board, Gurdaspur, and Municipal Committee, Pathankot.
Gujranwala	District Board, Gujranwala, Municipal Committees of Gujranwala, Wazirabad, and Hafizabad, and Town Committees of Akalgarh and Ramnagar.
Sheikhpura	District Board, Sheikhpura (Education Department only), Municipal Committees of Sheikhpura and Nankana Sahib and Town Committees of Khangah Dogran and Chuharkana.
Gujrat	District Board, Gujrat, Municipal Committees of Dinga and Kunjah and Town Committee, Lalamusa.
Shahpur	District Board, Shahpur, Municipal Committees of Bhera, Miani, Khushab, Sahiwal, and Phullarwan and Town Committees of Bhalwal and Shahpur City.
Jhelum	District Board, Jhelum.
Rawalpindi	District Board, Rawalpindi.
Campbellpur	Municipal Committee, Pindigheb.
Mianwali	Municipal Committees of Bhakkar, Kalabagh, and Isakhel.
Montgomery	District Board, Montgomery (school teachers only), Municipal Committee, Montgomery, Municipal Committee, Pakpattan (school teachers only) and Notified Area Committee Renala Khurd (school teachers only).
Lyallpur	District Board, Lyallpur, and Municipal Committee, Kamalia.
Jhang	District Board, Jhang, and Municipal Committees of Jhang-cum-Maghiana and Chiniot.
Multan	Municipal Committee, Shujabad and Town Committee, Kahror.
Dera Ghazi Khan	District Board, Dera Ghazi Khan, Municipal Committees of Dera Ghazi Khan, Jampur, Dajal and Mithankot and Town Committee of Kot Chutta.

THEFT OF GIRDERS BELONGING TO IRRIGATION DEPARTMENT.

1211. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that recently a large number of girders belonging to the Irrigation Department were stolen from Hossainiwala in Ferozepore district ;
- (b) if so, whether only girders were stolen or whether other material was also stolen ;
- (c) the total value of the material stolen ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. Only broad gauge rails were stolen.

(c) The book value of the stolen material is Rs. 16,500.

THEFT OF GIRDERS BELONGING TO IRRIGATION DEPARTMENT.

1212. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the theft of girders from Hossainiwala was carried on for about a period of four years ; if not, for what period ;
- (b) whether it is a fact that none of the officers superior to the Store-keeper checked the stock during this period ; if not, why not ;
- (c) whether there is any rule which requires that stock should be verified from time to time, if so, at what interval and by what officer or officers ;
- (d) if such a rule exists, whether it was observed in this case, if not, why not ;
- (e) the officers who are to blame and on account of whose negligence this loss has been occasioned ;
- (f) whether it is proposed to take any action against them ; if so, what ;
- (g) in case there is no such rule, whether Government is considering the question of framing a rule to meet this need ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) The police investigation indicates that the period of theft was $3\frac{1}{2}$ years (approximately).

(b) No. The stores were apparently checked periodically by an officer as evidenced by recorded certificates of check. The explanations of the officers have been called for.

(c) Yes. All stores are required to be counted half-yearly by the subordinates in charge of the various sections of a sub-division and by the Sub-Divisional Officer within a maximum period of 2 years : On appointment to the sub-division the Sub-Divisional Officer is required to count all the stock within three months.

(d) Recorded certificates by the Subordinate and by the Sub-Divisional Officer appear to indicate generally that the count of stores, etc., was carried out.

(e), (f) Enquiry by Government with the object of allocating blame (or otherwise) based on the findings of the court which investigated the case, is as yet incomplete.

(g) Does not arise.

UNEMPLOYMENT AMONG EDUCATED YOUNG MEN.

1213. Mr. E. Mayadas : Will the Honourable Member for Revenue be pleased to state whether Government has taken any action to compile figures about unemployment among educated young men ; if so, what ?

The Honourable Nawab Muzaffar Khan : No.

APPOINTMENT OF A VETERINARY ASSISTANT SURGEON AS MARKETING OFFICER.

1214. Mr. E. Mayadas : Will the Honourable Minister for Agriculture be pleased to say—

- (a) whether it is a fact that recently a Veterinary Assistant Surgeon has been appointed a Marketing Officer ;
- (b) if so, whether it was because the Government of India had asked for a Veterinary Assistant Surgeon or whether it was that the choice was left with the Punjab Government ;
- (c) if the former, whether it asked for an agriculturist or a non-agriculturist ;
- (d) if the Government of India had made no mention of agriculturist or non-agriculturist, what were the circumstances that led the Punjab Government to select a non-agriculturist for this post ;
- (e) how the salary of a Marketing Officer compares with that of a Veterinary Assistant Surgeon ;
- (f) whether among the Veterinary Assistant Surgeons there was any who possessed special experience or qualifications which would be of use to a Marketing Officer ;
- (g) in case there was no one among the Veterinary Assistant Surgeons possessing special experience or qualifications, then on what principle the selection was made ;
- (h) whether the post was advertised and applications for it invited ; if not, why not ;
- (i) if applications were invited how many were received and who considered them and which applicant was considered the best ;
- (j) if applications were not invited, then while making selection whether the principles of seniority and being connected with an agriculturist class were kept in view ; if not, why not ;
- (k) whether it is a fact that the man selected has superseded several men in the department ?

The Honourable Sardar Sir Jogendra Singh: (a) Yes—if by Marketing Officer the honourable member means Assistant Marketing Officer.

(b) The choice was left with the Punjab Government.

(c) Does not arise.

(d) Distinction between agriculturists and non-agriculturists appear to be irrelevant in the case of this appointment.

(e) The salary of the Assistant Marketing Officer is Rs. 200—20—250—25—550/25—750 (less 15 per cent. cut) in the Punjab Agricultural Service; the salary of a Veterinary Assistant Surgeon is Rs. 100—10—150/10—200/10—300.

(f) The post to be filled was Assistant Marketing Officer for livestock and probably more than one Veterinary Assistant Surgeon could have been found qualified for the post.

(g) Does not arise.

(h) The post was not advertised because Government considered that they had a number of suitable candidates already in their employ.

(i) Does not arise.

(j) No. Such considerations were irrelevant.

(k) There was no question of supersession.

THE PUNJAB SUPPRESSION OF IMMORAL TRAFFIC BILL.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): I present the report of the select committee on the Punjab Suppression of Immoral Traffic Bill.

Mr. Nanak Chand Pandit: I move—

That the Punjab Suppression of Immoral Traffic Bill as reported by the select committee be taken into consideration.

At this time it is not necessary to make any lengthy speech with regard to this Bill. I wish just to point out that we had a very strong select committee to deal with the Bill. There were fifteen members on it and the provisions of the Bill were discussed from all points of view. There was indeed a very full discussion and as honourable members might have noted the Bill has in consequence undergone some change. On all the fundamental and essential points, however, the Bill does not differ from the Bill as it was introduced.

The aim of this legislation is merely to attack commercialised vice. It is not sought to enforce morality because morality cannot be enforced. But it is a particular form of vice which exists in the province that is sought to be attacked. As I had said before, this Bill is part of an international effort to put down vice of this kind where tender girls and innocent women are taken hold of by unscrupulous persons who use them for making their own livelihood and earning money. In the west efforts have been made by various countries to put down this sort of immoral traffic and it is as a result of this effort that women of immoral fame and those people who used to take advantage of innocent girls and utilise them for immoral purposes have

left western countries and have started coming to the East. They are generally to be found in the ports of India. Now all other provinces in India have either already passed a legislation of this kind or such a legislation is under contemplation. Bengal, Madras and other provinces have passed a legislation of this kind. We have taken full advantage of their measures and we find now that there is a movement in Bengal to change their law in such a manner that it may conform to the Bill which we are now considering.

This Bill has aroused great interest among ladies, and especially in Lahore only recently the ladies undertook to collect money for founding a rescue home. Honourable members may be pleased to note that they have collected about Rs. 17,000 to Rs. 18,000 for this purpose. They are only waiting for the Bill to become law in this province.

I have got nothing more to add but I hope that the Council will support the principles of the Bill as reported by the select committee.

Mr. President : The question is—

That the Punjab Suppression of Immoral Traffic Bill as reported by the select committee be taken into consideration.

The motion was carried.

Clause 2.

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

That clause 2 stand part of the Bill.

The motion was carried.

Clause 3.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) :
Sir, I beg to move—

That the proviso to sub-clause (a) of clause 3 be omitted.

The object of this Bill is to stop immoral traffic but if the proviso which I wish to be omitted is allowed to remain in the Bill it will mean that we are recognising prostitution which up to this time has not been done. In fact you will allow every hotel to be converted into a brothel. At present a prostitute can be removed from a locality under the Municipal Act if she is running a brothel. But now she will be allowed to convert a hotel into a brothel. Now ten women will take ten rooms in a hotel and convert the hotel into a brothel. What is the difference which this law is going to make? A brothel is a hotel in this case. I cannot understand social legislation of this kind which instead of doing good will do more harm to the public. At present as soon as prostitutes go to live in a respectable place, the police can intervene under a certain section of the Municipal Act and take action on the ground that immorality is going on in that house. But if you allow, this section in the Bill it will mean that women will be able to hire a bungalow, each woman will take one room to herself and take a man to her room, with the result that that house is excluded from the definition of "brothel." So, my request is that if the Bill is to stop this kind of immorality, then we must remove this proviso, which reads :—

"Provided that this section shall not apply where one woman takes a man or men to her own room for immoral purposes."

[Sh. Muhammad Sadiq.]

The effect of this proviso will be that nobody will be allowed to live in the same place as that woman. My request is that either stop this kind of prostitution altogether or if you do not want to stop it then do not legalise it. This is a half hearted measure. You are afraid to say that you want to stop immorality, yet you bring forward this measure in the hope that you will stop immorality. In my humble opinion, if you allow this proviso it will do a great harm, as it will convert many houses into brothels. So I propose this amendment and unless it is accepted, I shall have to oppose the whole clause.

Mr. President : Clause under consideration, amendment moved—

That the proviso to sub-clause (a) of clause 3 be omitted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I shall just say a few words by way of reply to the honourable member's arguments. He was absent when I stated that the object of this legislation was not to enforce morality. One can never make people moral by a legislation of this sort. What is aimed at in the Bill is to attack those people who live on the earnings of prostitutes, who use women for immoral traffic for their own gain. If the amendment of my honourable friend is accepted it would nullify the whole purpose of the Bill. Further, I may point out that his amendment goes beyond the scope of this Bill. But even if the principle of his amendment as explained in his speech is to be accepted, the Bill would give powers to the police to enter private houses which would create a dreadful state of affairs. This point was thoroughly considered in the select committee and the committee was of opinion that the clause should stand as it is. You will also find in other similar legislation that this proviso stands. I may remind the House once again that the object of this Bill is only to attack commercialised prostitution.

Mr. President : The question is—

That the proviso to sub-clause (a) of clause 3 be omitted.

The Council divided : Ayes 8, Noes 33.

AYES.

Afzal Haq, Chaudhri.
Arjan Singh, Sardar.
Asadullah Khan Chaudhri.
Faqir Husain Khan, Chaudhri.

Haibat Khan Daha, Khan.
Mamraj Singh Chohan, Kanwar.
Muhammad Abdul Rahman Khan,
Chaudhri.
Muhammad Sadiq, Shaikh.

NOES.

Abdul Aziz, Khan Bahadur Mian.
Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bhagat Ram, Lala.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Bradford, Mr. W. G.
Buta Singh, Sardar Bahadur Sardar.
Chetan Anand, Lala.
Dobson, Mr. B. H.
Fazl Elahi, Khan Sahib Shaikh.

Firoz Khan Noon, The Honourable Malik Sir.
Ghani, Mr. M. A.
Grindal, Mr. A. D.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Kesar Singh, Rai Sahib Chaudhri.
Macfarlane, Mr. D.
Malak, Mr. Muhammad Din.
Manohar Lal, Mr.

Muhammad Amin Khan, Khan Bahadur Malik.	Roberts, Professor W.
Muhammad Hasan, Khan Sahib Makhdum Shaikh.	Sampuran Singh, Sardar.
Muzaffar Khan, The Honourable Nawab.	Sanderson, Mr. R.
Puckle, Mr. F. H.	Sewak Ram, Rai Bahadur Lala.
Pandit, Mr. Nanak Chand.	Shah Nawaz Khan, Nawab Khan.
Ram Singh, 2nd-Lieut. Sardar Sahib Sardar.	Sheo Narain Singh, Sardar Bahadur Sardar.
	Tate, Mr. T. B.
	Ujjal Singh, Sardar Sahib Sardar.

Mr. President : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) :
I beg to move—

That sub-clause (1) (b) of clause 4 be omitted.

Sub-clause (1) of clause 4 reads.—

“ Any person who—

(a) keeps or manages or acts or assists in the management of a brothel, or

(b) being the tenant, lessee, occupier or person in charge of any place, knowingly permits such place or any part thereof to be used as a brothel,” etc.

The word ‘ knowingly ’ is used in the clause. Now, suppose there is a man who possesses any of the descriptions given in the clause. Unless you give him power to eject the brothel keeper, how can he eject him? Thus for instance, there is a big propertyed man who has got a manager to manage his estates. He lets out his property to another person who subsequently uses it for a brothel. The manager or the landlord comes to know after some time that the house is being used as a brothel. There is no power in the hands of the manager or the owner to eject that tenant. If he goes to a court of law, the court will decide in favour of the brothel keeper who is the lessee, because the court will hold that the lessee has the right to keep possession of the house till the lease expires. So the manager cannot turn out the brothel keeper until the lease expires, but under the provision of this clause, the manager will be convicted even though he may not have the power to eject that person. He will be subjected to insult and fine by the courts simply because he is helpless to eject the woman who runs the brothel. This is indeed a terrible clause to honourable and decent people. Under the Criminal Law Amendment Bill which we have just passed we are endangering the liberty of the people and under the present measure we are endangering the honour of the people. (*Laughter*). This is not the time for laughter. I am very serious about this provision. I do not want either the liberty or the honour of people to be taken away so lightly. It is impossible for the manager or the landlord to know what is going on inside the house of his tenant, because brothel keepers do not put up advertisements in front of their houses. They always carry on their trade secretly and yet it is proposed to penalise a person who unfortunately happens to have let his house for a person for rent or lease. I, therefore, suggest that this sub-clause

[Sh. Muhammad Sadiq.]

be omitted ; otherwise no landlord, no tenant and no lessee will be safe under this Bill ; for the clause says that the persons specified in clause (b)

' Shall be liable to rigorous imprisonment for any term not exceeding 12 months or to fine not exceeding Rs. 1,000 or to both.'

The effect will be that the object of the word ' knowingly ' is gone. But if you come to sub-clause (2) it means that as soon as a woman is convicted the presumption of law will be against that innocent man. (*An honourable member* : He can rebut it). My honourable friend says he can rebut it. He says that the burden of proof should be on the defence. The very fact that such a person is being tried for keeping a prostitute in his house is enough to ruin him, his honour goes to dust. It appears in the papers and he is damned for ever. Yet my friend has the hardihood to say that he can put in defence. How can a man give negative defence ? How are you going to disprove ? Are you going to bring people from the villages of the whole country to rebut this presumption ? I, therefore, request the Government and appeal to them that they should not lend their support to this sort of legislation. We are no doubt prepared to stop immoral traffic as far as possible, but to punish the owners or tenants or lessees is against the law of any country. You know that even in England, France and Germany they never catch hold of tenants or owners ; they catch hold of men who depend on these unfortunate women. You say that the word ' knowingly ' is there but that is removed in sub-clause (2). I am told that a new amendment has been sent in by Mr. Nanak Chand Pandit which if passed would remove the defect I point out. But I do not know the implication of that clause and I do not know whether the House would pass that clause. It does not seem to carry us anywhere. Section 10 is clear and unless the person stops the trade the owner or the tenant can be convicted. I want that this should be made absolutely clear that as soon as notice is given to the woman to quit the house such a tenant or lessee is not responsible. But so long as you put words capable of a double interpretation I will have to oppose the section altogether. Let the Government say that in such cases the person will not be liable for prosecution, and I will certainly withdraw my amendment. That is, if a person gives notice of termination, make it clear that that person is not liable for prosecution. That man should not be held responsible thereafter. I want to be fair to both sides. My object is to improve the Bill and not to defeat it. I want that honest innocent people must be protected from the clutches of dishonest people. We know what a mere prosecution means for an honest person. We have all heard of that Hyde Park case in London where a gentleman, a member of the Privy Council, was arrested by a policeman on the ground that he was talking or trying to molest a woman and what sensation it created throughout the world and it was noticed in papers by thousands of men in glaring head lines. But when the innocence of the man was published probably not even one-tenth of these people knew about it. They have only heard that a man was prosecuted for molesting a woman and that is enough for the man to be damned for ever. It does not matter whether he is convicted or acquitted. Whenever anybody sees him he will at once say, he is the man of the Hyde Park who molested such and such a woman. I only want that this Bill should be improved. I therefore want that

these words should be added that in such cases the persons shall not be held guilty if they give notice of termination of the lease.

Mr. President Clause under consideration, amendment moved—

That sub-clause (1) (b) of clause 4 be omitted.

The Honourable Mr. D. J. Boyd (Finance Member): As the Chairman of the select committee I am to a certain extent concerned to explain away any misunderstandings and to explain why the select committee left the Bill in its present form. With regard to this particular amendment the first thing I will say is that the sub-clause in question already exists in the same form in the Acts of four other provinces, Bombay, Bengal, Madras and Burma, so that it is extremely unlikely that the sub-clause is absolutely foolish. Other provinces which have had Acts of this kind in operation for a considerable time would have discovered long ago if the clause was unjust or a foolish one or unworkable. I think we may take it that it can be worked without serious injustice. Now if a man who is in possession and in control of a house knowingly permits it to be used as a brothel—and we are trying to condemn making money out of vice—I think it will be justifiable to prosecute him for taking rent for a place which he knows is being used as a brothel and I very much doubt whether it is necessary to add any clause, though I personally will not object to it if it is going to satisfy members, to the effect that if he gives notice to the person actually using the premises for immoral purposes then he is absolved from liability; if he gave notice and there is evidence that he gave such notice and his conduct was consistent with the notice then I do not believe that any court in the world would convict him. If Shaikh Muhammad Sadiq is an owner of a house and he suddenly finds that his tenant is an undesirable person who is using the house for immoral purposes and Mr. Sadiq sends a notice to his tenant saying “you quit from using the house as a brothel at once or I will have you turned out” and if he has been able to prove that he has done so, I cannot conceive that any District Magistrate in this world will consent to his prosecution. (*Shaikh Muhammad Sadiq*: “First there will be prosecution and then the question of proof comes in). Mr. Sadiq would have noticed that a prosecution cannot be instituted under this Bill without the express consent of the district magistrate and I do not think district magistrates are likely to treat reports regarding prosecutions under this Act as a matter of routine. I think they will certainly pay real attention to the matter and if they find that there is a real case after enquiry they will give their consent for prosecution; otherwise they will not give their consent. (*Shaikh Muhammad Sadiq*: Will the district magistrate call upon the person and give him a chance?) I do not think the mover of the Bill will object to any reasonable amendment to safeguard the owners and tenants of houses and certainly the Government benches will not object. I recognise that Mr. Sadiq is out to co-operate with us and we are also out to co-operate with him. The broad principle of the Bill, to penalise making money out of vice, everybody will agree with. Government certainly will agree with that broad principle. But I recognise it is not an easy Bill to administer and if any amendments are proposed at any stage which the Honourable the President admits we on these benches will consider them very carefully and will be ready to give them our support if they are going to safeguard the public generally.

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

There are these two points. To begin with the wording of the clause to my mind is very defective. I admit that sub-clause (2) puts the burden of proof upon the owner or tenant as it may be. If Mr. Sadiq tries to get that sub-clause omitted we will support him. So the burden of proof shall not lie upon the owner or tenant and when that burden of proof is removed and when it is coupled with the fact that the district magistrate is to sanction a prosecution his objections will be met.

Shaikh Muhammad Sadiq : May I know if the Government will accept my amendment if I were to move that before sanctioning a prosecution, the district magistrate will call upon the owner or the tenant to explain his conduct ?

The Honourable Mr. D. J. Boyd : I think that will be safe, but I should like to consider it.

Shaikh Muhammad Sadiq : If you give this undertaking I will withdraw my amendment. My idea is to put a check on the *chughalkhors* and by agreeing to my suggestion, if a man is carrying on such trade, he can still be stopped under this Act.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadian, Rural) : There is a certain amount of misapprehension in the mind of my learned friend. First of all you will notice that in that clause the words "owner or landlord" do not occur. That is a very important omission, because the chief argument of my learned friend is based on the fact that there are owners of houses who own more than one house and do not know the people who live in them. Therefore, they purposely were left out. It is really the occupier, the person who has taken the house on lease and who is the tenant, that has been brought within the scope of this Bill. Now these words, "not only permits" as the Honourable Finance Member pointed, are a strong safeguard for such people. In the first instance it cannot possibly be insisted that a person who keeps a house or takes a house on rent or is a tenant will be so neglectful that he should not know what is going on in the house. He keeps the house, it may be one room or two or three rooms of a building and to further safeguard these, the words "not only permits" are very important and they should not be lost sight of. I am very thankful to my learned friend for the suggestion he gave me when he and I had a discussion. As a result of that discussion I realized or understood what he meant and therefore you will see that I am moving in clause 10 a new sub-clause which will meet his wishes. The amendment says—

"When the district magistrate has passed an order under sub-section (2) of this section the person who has given the lease, tenancy or occupation shall be entitled forthwith to determine such lease, tenancy or occupation."

This is the new amendment suggested to me by my honourable friend when we had a long discussion with regard to this matter. His chief fear was that if any sort of evil doing was carried on in a person's house without his knowledge and subsequently he comes to know of it he should be permitted to end the lease. Clause 10 provides this :—

"If the district magistrate receives information that any place is being used as a brothel he may cause a notice to be served on the owner, lessor, manager, lessee, tenant, or occupier of the place or all or any of them to appear before him either in person or by agent...."

Thus an innocent occupier or tenant can always approach the district magistrate and proceedings under section 10 can be taken. Termination of the tenancy does not mean that a person should go to a court of law and get a decree for ejection. That is entirely misapprehending the law on the subject. Termination of the lease means that a person may send a notice or make it known to the person who has taken the lease by any of the recognized methods that his lease is terminated. It is not necessary to go to a court of law for this purpose. Therefore my submission is that we have fully safeguarded those people who might innocently come within the purview of the clause. And, as I started by saying, this section does not apply to owners of houses.

Shaikh Muhammad Sadiq : Occupiers of houses also.

Mr. Nanak Chand Pandit : Occupiers must know what is going on in the house. Even then the burden of proof is laid on the prosecution who is to prove that the man owns and permits the doing of such a thing. We have thus ample safeguard for this matter.

Shaikh Muhammad Sadiq : If you allow the amendment that the district magistrate shall call upon the person offending then I shall withdraw my amendment.

Mr. President : Question is—

That clause (1) (b) of clause 4 be omitted.

The motion was lost.

Shaikh Muhammad Sadiq : I beg to move—

That sub-clause (2) of clause 4 be omitted.

I have told you that this clause destroys the object of clause (b) of part (4). I have already made this point in my previous speech by quoting clause (2) that if a woman is convicted there is no reason why the man, an innocent man be supposed to know of her doing. It will destroy the object of sub-clause (b) of sub-clause (1) of clause 4. As the Government has agreed to accept my proposal about this motion I move it and I do not want to make any speech.

Mr. President : Clause under consideration, amendment moved is—

That sub-clause (2) of clause 4 be omitted.

Mr. Nanak Chand Pandit : I accept the amendment.

Mr. President : Question is—

That sub-clause (2) of clause 4 be omitted.

The motion was carried.

Mr. President : Question is—

That clause 4 as amended stand part of the Bill.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural) : I oppose this whole clause. In the first place the English of this clause is hopelessly wrong and I am surprised that the honourable the Legal Remembrancer allowed it to go as it is in the Bill. The wording of the clause as amended makes it look non-sense. It is absolutely wrong and has produced a wrong impression on the minds of the honourable members. This reminds me of what the poet says—

خط جو لکھا دوست کو وہ ہو گیا سارا غلط خود غلط معنی غلط ایسا غلط انشا غلط

[Ch. Allah Dad Khan.]

Anyhow I will now take the clause on its merits. The punishment proposed here is too severe and the honourable mover of this Bill says the object of this Bill is to prevent traffic in women and he also says that no law can enforce morality on people. If there is no such law to prevent such things, in the beginning at least the punishment should be lenient. But the punishment is out of all proportion to the offence. If convicted for the first time he is liable to a punishment of imprisonment up to 12 months and a fine of Rs. 1,000. That is too severe a punishment for an offence like this. These people who are accustomed to this sort of profession will only leave it gradually and not at once however good and sound the moral principles may be. You cannot expect by a stroke of pen to moralize people. However good and laudable the object may be it will require some time to mould public opinion, to bring the mind of the public in accord with the requirements of this legislation and they will not leave off organised habits at once. A poet, in this connection says—

کشاخ ہائے ہستی سے کرے کیا سمی زراہی
ہوئی زنجیر موج اب کو نوبت روانی کی

That is to say, the power of flowing is a chain from which the river cannot get away. Those people who have got into the habit of earning their livelihood by this ignoble means cannot be weaned from it all on a sudden by a severe punishment. If punishment is necessary it should be a lenient one, and I would suggest three months in the first instance and six months for a second conviction. It is a *burra kam*, I admit. But we should remember the efforts that Aurangzeb made in stopping prostitution altogether. For a year he exerted his power against this sort of vice but after a year he saw that deviations from morality had taken other courses which he had not contemplated and found that even women in families could not be saved from this vice. They too were exposed to this danger and so he let it go saying, it is a wretched vice but it is a necessary evil and perforce must be kept up. My honourable friend, Mr. Nanak Chand Pandit, is trying in the twentieth century what Aurangzeb had attempted before. In proceeding with this necessary reform he must go cautiously and with lenient punishments in the first instance. If the object is to prevent the vice, it is leniency that will secure this end. If there is a severe punishment, people will naturally devise some other means of evading the law and the situation would be worse than the one which it is our intention to prevent. In a way such a severe punishment will bring in an era of worse immorality in the society than now. Already it is an open secret how in big towns morality has been going down and I do not think there is more immorality in the houses of ill-fame, than in many rich peoples' houses in big towns. If we should have some consideration shown for the poor unfortunate women who cannot make both ends meet, then we should not be so harsh to this public form of vice which is apparently indulged into a large extent. It is a well-known dictum of jurisprudence that harsh measures never stop the evil. The best policy is to impose lenient punishments at least in the beginning. It is a novel experiment which we are trying and we should have lenient punishments. For these reasons I appeal to the honourable member in charge of the Bill to reconsider his position and have three months in place of six months for the first, and six months instead of

three years for a subsequent conviction and do away with bonds for good behaviour and so forth. That will work much better than the present provision.

I then turn to the question of occupier. The honourable member proposes that the occupier should be punished severely. In some cases an occupier is virtually like an owner, for instance where he takes a particular house for, say, twelve years and within that period he cannot be ejected. It would be stigmatising an owner in such a case because of the mere fact that he is an owner to all intents and purposes for however short a time it may be. Such severe punishments on tenants and occupiers are out of all proportion to the offence. There may have been some excuse for such a punishment being inflicted on the owner. But for a tenant who perhaps lives for a month in a particular house to be treated like a man who lives for twelve months in that house is really harsh. It very often happens that a person lives in Lahore in a house for which he pays a rent of Rs. 3 a month. Suppose one of his near relations comes to the house and brings a woman of ill-fame and being out of pocket he invites other people for immoral purposes. It will be unjust on the poor man who pays Rs. 3 a month that he should be sent to jail for twelve months. I am surprised why the select committee did not take this fact into consideration. It should not have allowed such severe punishments to be imposed on tenants, lessees and occupiers. If these people are committing the vice it is because there has been a habit in society and we cannot say at once to the people 'behave in a better manner.' Possibly improvement will be effected and they will get better in the course of a few years. But even at the beginning to be harsh on them is beyond all reasonableness. With these words I oppose the clause.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): My honourable friend is labouring under a very serious confusion of thought. He seems to think that the Bill will punish those innocent girls who will be in the clutches of the blackguards living on the earnings of the girls. The punishment would be for those people who would be keeping these girls and living on their earnings. My honourable friend seems to think that because this sort of thing has persisted in certain sections or among certain people who are addicted to these things, those persons should be leniently dealt with. That is no reason for showing them any leniency. If he were to turn to the punishment originally provided in the Bill, he will find that the select committee after a full discussion reduced the period from two years to twelve months. That is a considerable reduction on the first conviction and then again on the second or subsequent conviction, the imprisonment provided originally was up to five years. This is now reduced to three years. My honourable friend seems to think that if these sentences are provided the maximum punishment will be given by the court in every case. It is only the maximum that is provided here. The court is bound to take into consideration the enormity of the offence, and if the offence is of a serious nature there is no reason why a person should not be harshly dealt with. If it is not, on the other hand, of a serious nature, then the sentence may be merely a fine. My honourable friend forgets all these things which are provided for in the Bill. If he was very keen on the point he could have brought in certain amendments and they would have been considered. I fail to see how he can stand up and oppose the clause as a whole. With these words I trust that the House will pass the clause.

Chaudhri Asadullah Khan : May I point out that the amount of the fine that could be imposed is not given in the clause? It says: "any term not exceeding three years or to fine, or to both." There is no limit to the fine that could be imposed on second conviction. And I submit that that gives the court a very wide jurisdiction and unless some definite sum is proposed in the clause I would be reluctantly opposing the whole clause.

Mr. President : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) :
I move—

That sub-clause (1) of clause 5 be omitted.

It is my unfortunate task that I have to send so many amendments to the Bill, but I was not in the select committee. Had I been there, I would have pointed out the difficulties to the members of the committee, and would have got their help in framing the clauses of the Bill which I consider important.

In the first part of this clause it is laid down :—

"Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person, shall be punished with rigorous imprisonment for a term which may extend to three years."

I have got my fullest sympathy with the object of the Bill but some sections of it are really harsh. For instance, this one is so framed that it can rope in innocent persons. There are in this country singing girls who are prostitutes by profession. I think in this province there are about ten thousand mirasis, tabalchis, sarangiwalas, etc., who live on the earnings of prostitutes because both prostitution and singing are carried on by the same women. Surely my friend does not intend that people who are living on music should be punished. For instance, a prostitute is carrying on prostitution and also the other profession of music. We know the famous Gohar Jan who was of that category; there are now many screen stars. And I want to make it clear that it is only the go-betweens or the persons who live on the income of prostitution who should be punished, and that people who are living on the traditional singing profession should not be punished. These ten or twelve thousand people who are not badmashes who do not touch a penny of the immoral earnings of the women, but earn their living by working as singers and musicians, a profession to which a lot of other people also belong, should not be punished. In fact they would feel insulted if you include them in the class of pimps. Secondly, the clause says: 'Any person over the age of eighteen.' There is, let us say, a woman who is carrying on the singing profession who has a daughter twenty years of age. Surely you do not want to punish the daughter or let it be the son whose fault it is not that he or she is the son or daughter of a prostitute. It would be really harsh to punish them and in all cases as we all know there will be no father in the case and there is probably no grandfather either and the youngsters would be quite helpless, unless supported by their mothers. Surely you have to exclude these unfortunate children. Let us say that the daughter is unmarried. How is she to live except on the earnings of her prostitute mother? This clause proposes to make her a

victim to the severity of law. By refusing my last amendment you have let alone the woman and allowed her to carry on her trade but in this clause you are going to punish the children who have to live on the earnings of the mother.

I wish once again to impress on honourable members that it is not my object to oppose the Bill but to improve its provisions where they are unduly severe. Even if the Bill is passed with the defects which I have brought to the notice of the House, I am sure Government will be obliged sooner or later to bring in an amending Bill. Otherwise, it might create a lot of hardship and innocent women and children would be victimised. I request the honourable mover to show me how the two classes of people I have mentioned, the professional singers and the children of a prostitute, how they will be protected from the mischief of this clause. If he can assure me that they will not be exposed to the severity of the law, I shall certainly be glad to support the clause. The clause no doubt hits against the right person and so far as it does that, it has my fullest sympathy but my only object is that the children and the other persons who have nothing to do with the prostitution should be saved. The honourable mover has now brought in after discussion with me a new amendment which reads—

“ Provided further that any person who by reason of age..... ”

I can understand the reasons of mental infirmity, but I cannot understand the reasons of age. If you fix the age at 21, there would be some sense, but eighteen is too young an age. Further in this section it is mentioned that a minor will not abet, etc. So it will be difficult to understand what will be the age at which the court shall say, you shall not live on the earning of your mother. With all due respect I beg to say that the object of this social legislation is to stop evil and not to create more evil. Its object is to inflict punishment, but not unnecessary punishment on those whom God has thrown under our protection. Our oath is to protect every innocent person so far as we can. So, if we can bring in amendment or if Government can bring in any amendment which will save a certain class of persons, it should be accepted. I have no objection to the Bill hitting against the right person, but I have every objection to its harming the other two classes I have mentioned.

Mr. President: Clause under discussion, amendment moved—

That sub-clause (1) of clause 5 be omitted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): I myself regret that somehow Mr. Sadiq's name escaped and he was not placed on the select committee. I can assure the House that the point of view that he has expressed before the House was put forward by two members in the select committee—I can give their names, but that is not necessary—and the arguments were fully considered there, as to how it would affect the musicians and the singers. Had Mr. Sadiq carefully read the section he would have found that his apprehensions were groundless because it is stated there—

“ Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person, shall be punished..... ”

So, he must realise that the burden of proof is on the prosecution that this man, i.e., the accused was living on the earnings of this prostitute. It is not the people he has got in view who will be brought in here. The prosecution will have to prove that this man was living a life of such a nature that

[Mr. Nanak Chand Pandit.]

he requires to be punished. Therefore, I submit, his apprehension is entirely wrong and I can tell him this that there will be hundreds of people who after this law is passed will really take to music and the cultivation of this fine art. Now, instead of doing that they really add to the immorality of the province; but after this Act is enforced with Mr. Sadiq's co-operation and help this evil will become less and real musicians and lovers of music will find time to do something really useful which will be for the good of the province. As I have submitted the burden of the proof is on the prosecution and if the prosecution proves the fact, there is no reason why that man should escape punishment. There is nothing wrong about the clause and it was fully considered by the select committee.

Chaudhri Allah Dad Khan (Ambala division, North-East Muhammadan, Rural): I rise to support the honourable member from Amritsar. Here it is stated—

"Any person over the age of eighteen years who knowingly lives, wholly or in part, on the earnings of the prostitution of another person, shall be punished...."

Now it is a well-known fact that the mothers of these prostitutes live on the income of their daughters who are carrying on prostitution. To punish these women under this section will be very hard indeed.

Mr. President: The question is—
That sub-clause (1) of clause 5 be omitted.

The motion was lost.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): I beg to move—

That in clause 5, sub-clause (2), lines 3—7, the words 'or to have exercised control, direction, or influence over the movements of a prostitute, in such manner as to show that he is aiding, abetting or compelling her prostitution' be omitted.

I am at one with the object of this section where a person is proved to be living with, or being habitually in the company of a prostitute. But the retention of the words which I wish to be deleted would make the section just like section 110 of the Criminal Procedure Code, and it is the witnesses that would make it dangerous. A man may not be living with a woman, he may not be in the company of a prostitute, yet four persons living at a distance of ten miles may give evidence that that man is really controlling the woman. I think even section 110 has proved to be very dangerous in such cases, but to have another section of this type under which people can involve a man living at a distance of ten miles is very serious indeed. It is for that reason that I am opposing this section. When a man is found to be living with or in the company of a woman, he can be presumed to be living on the earnings of that woman, but I cannot understand how a man, just on the evidence adduced by a third interested party to the effect that he is exercising control or is influencing the movements of a prostitute thereby showing that he is aiding, abetting or compelling her prostitution, should be presumed to be living on the earnings of that prostitute, knowing well how easy it is to get concocted evidence. It is for that reason that I move this amendment in the hope that the honourable mover of the Bill will accept it.

Mr. President: Clause under consideration, amendment moved—

That in clause 5, sub-clause (2), lines 3—7, the words 'or to have exercised control, direction, or influence over the movements of a prostitute, in such manner as to show that he is aiding, abetting or compelling her prostitution' be omitted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I regret, that I cannot possibly accept the amendment. As a matter of fact the select committee was very strong on this point, because though a person may not be known to be living habitually in the company of a prostitute yet he might be inducing a woman or a prostitute to act in a manner which is repugnant to this Act. This point was considered very carefully and Mr. Sadiq has had the satisfaction of his other amendment being accepted by me. But to accept this amendment would be really to go against one of the most important sections of the community which are at the back of these prostitutes and therefore I regret I cannot accept this amendment.

Mr. President : The question is—

That in clause 5, sub-clause (2), lines 3—7, the words ' or to have exercised control, direction, or influence over the movements of a prostitute, in such manner as to show that he is aiding, abetting or compelling her prostitution ' be omitted.

The Council divided : Ayes 14, Noes 35.

AYES :

Atzal Haq, Chaudhri.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
Allah Dad Khan, Chaudhri.
Arjan Singh, Sardar.
Asadullah Khan, Chaudhri.
Haibat Khan Daha, Khan.
Mamraj Singh, Chohan, Kanwar.
Muhammad Amin Khan, Khan Bahadur Malik.

Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Muhammad Sadiq, Shaikh.
Muzaffar Khan, Khan Bahadur Captain Malik.
Sampuran Singh, Sardar.

NOES :

Abdul Aziz, Khan Bahadur Mian.
Anderson, Mr. J. D.
Askwith, Mr. A. V.
Bourne, Mr. F. C.
Boyd, The Honourable Mr. D. J.
Bradford, Mr. W. G.
Chetan Anand, Lala.
Dobson, Mr. B. H.
Fazl Ali, Khan Bahadur Nawab Chaudhri.
Fazl Ilahi, Khan Sahib Shaikh.
Firoz Khan Noon, The Honourable Malik Sir.
Grindal, Mr. A. D.
Janmeja Singh, Captain Sardar Bahadur Sardar.
Jawahar Singh Dhillon, Sardar.
Jogendra Singh, The Honourable Sardar Sir.
Kesar Singh, Rai Sahib Chaudhri.
Labh Chand Mehra, Rai Sahib Lala.
Lekhwati Jain, Shrimati.

Malak, Mr. Muhammad Din.
Manohar Lal, Mr.
Mayadas, Mr. Earnest.
Muhammad Sariraz Ali Khan, Raja.
Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Muzaffar Khan, The Honourable Nawab.
Nathwa Singh, Chaudhri.
Puckle, Mr. F. H.
Ramji Das, Lala.
Ram Singh, 2nd-Lieut. Sardar Sahib Sardar.
Roberts, Professor W.
Sanderson, Mr. R.
Sewak Ram, Rai Bahadur Lala.
Shah Nawaz Khan, Nawab Khan.
Sheo Narain Singh, Sardar Bahadur Sardar.
Tate, Mr. T. B.
Ujjal Singh, Sardar Sahib Sardar.

Shaikh Muhammad Sadiq : Will you please permit me to move the amendment standing in the name of Khan Bahadur Malik Zaman Mehdi Khan namely that the proviso to sub-clause (2) of clause 5 be omitted? I will simply move it without making any speech, because I understand that the honourable member in charge of the Bill is agreeable to accept the amendment.

Mr. President : But the honourable member from Amritsar has not given notice of that amendment. He has given notice of a different amendment.

The Honourable Mr. D. J. Boyd : May I point out that the whole of this proviso will have to go out, because I am afraid there is a mistake in drafting?

Mr. President : Then I will put the sub-clause and the proviso separately to the House. The question is—

That sub-clause (2) with the exception of the proviso stand part of the clause.

The motion was carried.

Mr. President : The question is—

That the proviso to clause 5, sub-clause (2) stand part of the clause.

The motion was lost.

Mr. Nanak Chand Pandit : I move—

That in clause 5, sub-clause (2) the following proviso be added :—

‘ Provided that no person who by reasons of age or physical or mental infirmity is incapable of supporting himself shall be liable to punishment under this section for living on the earnings of a prostitute.’

The object of this amendment is that an old person or an infirm person or a person who is unable to understand the nature of the offence should be protected.

The motion was carried.

Mr. President : The question is—

That clause 5 as amended stand part of the Bill.

The motion was carried.

Clause 6.

Mr. President : The question is—

That clause 6 stand part of the Bill.

The motion was carried.

Clause 7.

Mr. President : The question is—

That clause 7 stand part of the Bill.

The motion was carried.

Clause 8.

Shaikh Muhammad Sadiq : I move—

That sub-clause (2) of clause 8 be omitted.

The previous clause relates to a person who keeps a brothel, or a tenant or a lessee. But the present provision is against a person who withholds.

the jewellery of a woman. Thus it seems nobody is safe from the clutches of a *badmash* woman in this province. It is a common knowledge that in this country people do keep mistresses. There is no denying the fact. If a person happens to get into the clutches of a bad woman she has only to lodge a complaint that that person has got her jewellery and does not want to return it; immediately that person will be arrested whatever may be his rank and position in life and it will surely lead to blackmailing. It means you are encouraging women of bad repute bringing in false cases about any person with whom she has a quarrel. She has simply to say that such and such a gentleman has kept her ring and that means he will be convicted. I cannot understand this. If a woman is going to do prostitution for the sake of a ring it is much better to allow her to go her own way rather than that the person should be prosecuted. If she is going in for immorality for the purpose of a few clothes it is much better that she is allowed to go on her own way. The object is to protect the woman from immoral ways. But here there are certain sections which allow the woman to ruin any man. How is the district magistrate to interfere? He will send it to the sub-inspector and that means any responsible person, even if he is an official can be attacked by a woman of this type. I appeal to the Government that they should not rush in in a matter like this, in social matters. Let these official members live in villages as human beings, as Indians, and then they will realise the difficulties of the people of this country. Hitherto they have been living like rulers in cities and towns. As a lawyer of some experience—I have already put in about 20 years of practice at the bar—I know it is easy for anybody to procure evidence. A woman has to go to any magistrate and say that her ring or jewel has been taken. Are you going to take in the word of the police for everything? You want the police to be the police of Russia. You want to put everything in the hands of the police. You are overburdening them. They will have to investigate not only the criminal law but investigate also the morality of the people. This is undesirable. Punish those go-betweens who live on the income of women. But do not punish the innocent man. If a man falls out with another he has simply to ask a prostitute to approach the district magistrate and bring in a false case against that man. It means that the honour of a man is not safe in this country. You know the highest and the lowest will tremble before a woman of immoral character. It means that an immoral woman is given power to spoil or mar any man. India has existed all these years with these women and India still exists and will continue to exist if this section is not removed. I opposed the Criminal Law Amendment Bill and I oppose this section sincerely and honestly and with greater force. I am opposing them because they are against my conscience and I feel in this matter honestly and sincerely. I can assure Mr. Boyd that if this section becomes law and if he lives in India like an Indian his house will soon be at stake even though he was the Honourable Finance Member.

Mr. President : Clause under consideration, amendment moved—

That sub-clause (2) of clause 8 be omitted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadian, Rural) : I do not doubt the sincerity and honesty of my honourable friend at all, as proclaimed by him. But unfortunately he has not understood what is at

[Mr. Nanak Chand Pandit.]
 the bottom of this clause. It is the person who detains the woman who is to be punished. It is the person who carries on these illegal and immoral traffic that is punished. (*An honourable member* : No.) Why do you say 'no.' You have not read the section. This refers to the woman or girl who is in a brothel or in any place for the purpose referred to in clause (b) of sub-section (1) and so on. Now one method that is adopted by these people is to withhold from these girls their jewels or part of their earnings. It must also be understood that the burden of proof that the jewel belongs to the girl is on the prosecution. There is no presumption in favour of the prosecution under that clause. But if you once prove that the jewellery or the other property belongs to the girl and is being detained, then the other presumption naturally arises. I fail to see why my friend should be very partial to these people. This is one of the methods of detaining these women and you must attack that method and as I have stated it is only the girls living in brothels and people of that type that come within the scope of this section. I may submit for the information of the House that a similar clause exists in the Acts of other provinces and also in the English law. In England also which is the home of freedom according to Mr. Sadiq and according to all of us, where there are the most liberty enjoying people, they have got a similar clause. If this clause is not there there is no other method of punishing these people who thus coerce these women to stay in the houses of ill-fame.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural) : I rise to support my friend from Amritsar. The reply made by Mr. Nanak Chand Pandit is not satisfactory. He has conveniently omitted to mention part (b) of sub-clause (1). It is stated there—

"In any place with intent that she may have sexual intercourse with any man other than her lawful husband."

Similar words also occur in paragraph 2—

"A woman or girl, who is in a brothel or in any place for the purpose referred to in clause (b) of sub-section (1)."

My submission is that we can easily understand the word 'detain.' That word 'detention' is also defined in the Indian Penal Code. We can very well understand these sections 339, 340, 341 and 342 of the Indian Penal Code and in the word 'detention' there is always the same idea of physical detention. But herein we are introducing a new idea of the word 'detention' and that word 'detention' is intended to include the two sub-clauses (a) and (b). My submission is that in 50 per cent. of cases they will admit that those women who are there in a brothel, are there for the purpose of prostitution and in 30 per cent. they are willing parties. We are dealing with women and girls of suspicious character and therefore it will not be fair to victimise people to whom they have gone for purpose of money and then there will be all sorts of vague complaints. It will be very easy for these people to make a complaint that her cloth worth 4 annas was not handed over to her, or they might say that a jewellery which of course belongs to that person by whom the prostitute was engaged and which was handed over by him to her as a gift was the property of the prostitute and if the man detains her for the property where is the guarantee that that person would be saved and where is the guarantee that such a

woman will not make any false allegations. Therefore, under the circumstances it is a clause going too far and we should not be a party to it. With these words I support the amendment moved by Shaikh Muhammad Sadiq.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural): I rise to support the honourable member from Amritsar. In addition to the argument which has been put forward there is another. It is a fact that for the purposes of dancing a very rich costume is provided. These women will say that these clothes belonged to them and in a way they do belong to them. Thus when she goes away, she will claim those clothes also and when the man stops it, he will be understood to have detained here. Besides there is no end to this. If a woman wants to establish a claim to jewellery or clothing, there is the civil court open. Why should additional power be given to such woman? It is, therefore, necessary that this provision be omitted. With these words I support the amendment.

Mr. President: Question is—

That sub-clause (2) of clause 8 be omitted.

(When Mr. President gathered the sense of the House by voices, Shaikh Muhammad Sadiq asked for division.)

Mr. President: The honourable member is entitled, no doubt, to claim division as a matter of right; but the Chair has the inherent power to see that no member abuses his right.

The Honourable Mr. D. J. Boyd: Would you mind if the Legal Remembrancer considers this question in the light of the rules?

Mr. President: Certainly. Under the rules it is the right of every member to claim division; but the question is whether the Chair has the inherent power to see that that right is exercised reasonably.

The Honourable Mr. D. J. Boyd: In that matter I fully support the Chair.

Mr. President: Question is—

That sub-clause (2) of clause 8 be omitted.

The motion was lost.

Mr. President: Question is—

That 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.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): If a district magistrate received information that any place is being used as a brothel, he may cause notice to be served on the manager lessee, etc., etc., or all or any of them to appear before him. There are some things which beat a person, but there are other things which beat a person hollow. Where is the wisdom of calling all the persons? You can call one person who m you

[Sh. Muhammad Sadiq.]

think guilty, but what is the fun of calling all of them. You do not want to fill the court with all these people. I want these words "all or any of them" to be omitted so that he should call the person or persons really guilty or whom he thinks to be guilty after full investigation. Surely he will not call these people without making investigation through the Police or some other agency. He should fix the guilt on some persons whom he wants to call. Why call all of them? That is absolutely harassing. Why should a man living in Jullundur or Bombay or Calcutta be called. In fact only one person would be guilty and he would be either the manager or the occupier or the lessee or tenant and not all of them. Have all these people entered into a conspiracy? It should be left to the district magistrate to call only one of them. He should make his choice and call only the person or persons on whom his suspicion falls after proper investigation. Let him suffer the consequences; let not all of them be harassed. These words are printed in the Bill in italics, as if they were added by the select committee and modified to some extent. These four words are unnecessary. The district magistrate should cause the notice to be served only on the occupier or the manager or the lessee. He should select only one person. If this is the object, I have no objection. With these words I move—

That the words "or all or any of them" occurring in lines 6 and 7 of clause 10, sub-clause (1) be omitted.

Mr. President : Clause under consideration, amendment moved is—

That the words "or all or any of them" occurring in lines 6 and 7 of clause 10, sub-clause (1) be omitted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : The arguments advanced are without force and I think at the end of his speech the honourable member realized that his arguments were groundless. As a matter of fact the words he complained of mean that people who are unconnected with the crime should not be called. The district magistrate is given the power to call all of them if he thinks that there is some case against them or some inquiry has to be made. I do not think that any district magistrate would be so foolish as to call people living in England. The honourable member has further forgotten that the power is given to the person called to appear by an agent. Kindly see the words "any person or agent." I therefore do not find that there is any force in the argument. As a matter of fact he will find that in the previous clause the words were "all of them." The sub-committee added "or any of them." The modification really was in favour of the view taken by Mr. Sadiq. He has forgotten that appearance by an agent which is open to everyone is provided. In these circumstances I do not think that there is any force in the amendment.

The Honourable Mr. D. J. Boyd : May I ask a question? When it comes to the Drafting Committee stage, will it be possible and permissible to alter certain words? I think the words "or of them" are tautological.

Mr. President : A drafting committee can make amendments only of a formal or consequential character.

The Honourable Mr. D. J. Boyd : The Legal Remembrancer may be asked to consider these words at this stage. It seems to me that the

words are tautological. I really very much doubt whether we are adding to the sense at all.

Mr. President : The drafting committee is not be entitled to make amendments which are not of a formal or consequential character.

The Honourable Mr. D. J. Boyd : If it is formal it will be all right, but if it is consequential then I am afraid it will be ruled out.

Mr. President : The question is—

That the words "or all or any of them" occurring in lines 6 and 7 of clause 10, sub-clause (1) be omitted.

The motion was lost.

Shaikh Muhammad Sadiq : I move—

That in clause 10, sub-clause (3), line 3, the words "or allows it to be used" be omitted.

Again we are faced with the same difficulty. Let us take it that an owner has been ordered not to allow it to be used. He does not want himself to allow it, but how is he to prevent it? How is he to stop the place being used in contravention of the order? He tells the woman that he is not going to allow her but in spite of that if the woman uses the place as a brothel, the man is still made liable. Besides there is no right of appeal from the order of the district magistrate. Are district magistrates so infallible? I appeal to the Honourable Mr. Boyd and ask him whether he is sure that as a district magistrate he had never committed a mistake. Can the honourable member as a sessions judge for the matter of that or even as the Finance Member say that he had never committed a mistake. District magistrates are prone to commit mistakes like all men. The owner might have let the house for seven years, but on receipt of the order he asks the woman to obey the order, but if the woman does not, the owner is made liable by an order of the magistrate even though he has done no act for which he might be held liable. Are we going to have the law of the Medes and Persians in this province? Are we going to revive the times of Chengiz Khan and copy his laws? Are we going to punish people for offences committed by others? I feel that the honourable mover has the blind support of Government and that this clause has not been properly understood. Whenever I raise such points, the honourable mover gets up and accuses me that I have not understood the law. It is the time-old trick of the lawyer to claim all the wisdom of the world for himself and to call others fools and block-heads. I say that he has not himself understood the meaning of this provision. He has himself admitted on a previous occasion that this Bill has been thrust into his hands and that he has only been a vehicle for carrying it out into law through this House. I therefore maintain that he has not himself understood how by this clause he is making innocent persons who have nothing to do with the offence as victims. I challenge the Government, let Government say how when a district magistrate passes an order, there being no appeal, an innocent person can have his remedy. An owner, he may be the Aga Khan sitting in London, is called upon to make the woman discontinue the trade; nevertheless she goes on. The Aga Khan may no doubt have race-horses but there is no horse swift enough to bring him to Lahore to make the woman comply with the order. And it is nothing

[Sh. Muhammad Sadiq.]

unusual for a woman who is bent upon bringing her landlord to shame, to disobey the order. It may be the honourable Pandit's house itself where a woman tenant of his will say, "I am going to get all my lovers here," and despite the Pandit's efforts, try to have him hauled up before a court of justice for having acted in contravention of the order of the magistrate. It is therefore absolutely necessary that a right of appeal should be given, if we are not going to allow people to be insulted by being dragged to court. A man will be dishonoured simply because a district magistrate has willed it and an unscrupulous prostitute is bent upon bringing him to shame. Is the district magistrate to be always relied upon? Is he an angel or an archangel not to commit a mistake? No Vakil, no *dakil*. If once the magistrate errs, the owner is made to pay a fine of so many rupees per day. That fine itself is nothing compared with the dishonour inflicted upon the man by conviction for the offence of having allowed a woman to go on prostituting after a district magistrate had passed his order. I say that none of these gentlemen, I mean honourable members sitting in this House, can escape the axe, and one day or other a district magistrate may call upon an honourable member to pay a fine in respect of a house of which such member happens to know nothing. I therefore oppose the extensive power given by these words. I have said that I am not against the principle of the Bill at all but I am eager that in our desire to prevent the traffic in women we shall not save even innocent people who may be ignorant of what is going on in a particular house. It is not the case of a prostitute who sits in the open verandah so that all people may know it. But where a woman carries on the trade stealthily, an innocent owner, occupier, lessor or any manager should not be victimised in this way. If the honourable mover does not want to give a right of appeal, at least give the owner some power of ejection over the woman. As soon as an owner has asked the woman to go out, he should be free from all liability. There is not a single clause in the Bill which protects a man who has done his duty though the woman could not be stopped from the crime. I therefore move the amendment, and expect that the House will accept it.

Mr. Nanak Chand Pandit : May I make a suggestion to my honourable friend? If it is provided that an order passed by a district magistrate under this section shall be subject to appeal only to the sessions judge, for which the period of limitation will be fifteen days from the date of the order passed by the district magistrate, will that suit my honourable friend? I may be permitted to move an amendment to that effect.

Mr. President : But the amendment moved by the honourable member for Amritsar has to be disposed of first.

Mr. Nanak Chand Pandit : I oppose the amendment of the honourable member, Shaikh Muhammad Sadiq.

Mr. President : The question is—

That in clause 10, sub-clause (3), line 3, the words "or allows it to be used" be omitted.

The motion was lost.

Mr. Nanak Chand Pandit : I beg to move—

That in clause 10, the following be added as a new sub-clause after sub-clause (2), and the existing sub-clauses (3), (4), (5), (6) and (7) be renumbered as (4), (5), (6), (7) and (8) :—

5 P.M.

“(3) When the District Magistrate has passed an order under sub-section (2) of this section the person who has given the lease, tenancy or occupation shall be entitled forthwith to determine such lease, tenancy, or occupation.”

I have already given my reasons in support of this amendment and I need not repeat them.

The motion was carried.

Mr. E. Mayadas : Sir, I would like to ask one question. Under sub-clause (2) of clause 10 the number of days allowed is fifteen. I would like to know whether the possibility of decreasing this number has been considered.

Mr. Nanak Chand Pandit : Yes, the matter was fully discussed in the select committee, but it was not considered possible to reduce the number of days.

Mr. President : The question is—

That clause 10 as amended stand part of the Bill.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I rise to oppose this clause. It is so drastic that it goes against even the provisions contained in clause 4 of this Bill. Clause 4 is quite sufficient to meet all such cases and the mover himself admits that he had had a reckless clause added to the provision already existing. First, sub-clause (2) was passed : “An order passed by a district magistrate under this sub-section shall not be subject to appeal,” but that seemed to be pricking his conscience and when I raised an objection he said that that had already been passed and that he could not bring in an amendment which would nullify it. That shows that he himself sees that this clause is drastic and unnecessary. If you take it on its merits it will be found that everything has been met by clause 4. Where then is the need for the present clause? Only you are making confusion worse confounded for the district magistrate. As my friend from Amritsar said the district magistrate is likely to make a mistake here more than in any other case for in this case he will have to depend upon the report of the police or of other men who go to salaam him once or twice a week. Once he has got information there is no source to test whether the information supplied to him is right or wrong. For this reason I do not think this clause should remain part of this Bill. With these few words I oppose clause 10.

Mr. President : The question is—

That clause 10 as amended stand part of the Bill.

The motion was carried.

Clause 11.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I beg to move—

That in clause 11, lines 3-4, the word ‘Assistant’ occurring before the word ‘Sub-Inspector’ be omitted.

[K. S. Ch. Riasat Ali.]

This is a very simple amendment. If we refer to the language of the old section 13 which is printed opposite to this section 11, the words were "any gazetted police officer on complaint and any police officer specially authorised in writing in this behalf by the Superintendent of Police." Now the words are "any police officer not below the rank of Assistant Sub-Inspector." So it is clear that the select committee itself realised the necessity of this amendment and they in a way limited the scope of the clause by narrowing the choice of the class of people who should be empowered to work under this section. Before the Bill came to the select committee for consideration it was simply "any police officer" and now it is "police officer not below the rank of Assistant Sub-Inspector." The principle which I am pressing in a way has practically been admitted by the select committee itself. Now the question remains of what rank that particular officer should be, whether he should be an assistant sub-inspector or whether he should be a sub-inspector. My amendment suggests the deletion of the word "assistant" which means that no officer below the rank of a sub-inspector of police should be authorised to work under this section. My object is that we should limit as far as possible the number of people in whose hands we can place the working of this Act. Of course there is no doubt that there are not many sub-inspectors in a district but as everybody here knows this Act is mainly intended for the people who live in big cities this blessing or vice, whatever I may call it, does not exist in the rural area. So in the district there will be only one or two towns at the most where we have to work this Act. So the argument that we have not got a sufficient number of sub-inspectors to deal with this Act or to work this section will not hold water. I would submit that on an average there are 15 or 16, sub-inspectors in a district and in some even more than that. Thus there will be no dearth of men if we place this power in more responsible hands than the assistant sub-inspectors. I do not attack them as a class but as everybody here knows they are raw youths and practically speaking comparatively inexperienced officers as compared with the sub-inspectors who are more experienced. There will be no harm if the honourable member in charge of the Bill agrees to this amendment of mine.

Mr. President : Clause under consideration, amendment moved—

That in clause 11, lines 3-4, the word "Assistant" occurring before the word "Sub-Inspector" be omitted.

There is another amendment in the name of Shaikh Muhammad Sadiq. He can move it also now so that the House may discuss both the amendments together. Later on they will be put to the House for vote separately.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban): I beg to move—

In clause 11, lines 2-6, the words "and any police officer not below the rank of Assistant Sub-Inspector specially authorised in writing in this behalf by the Superintendent of Police" be omitted.

This is a very drastic measure and we cannot allow ordinary police officers to deal with women. We want more responsible police officers to do so. A brothel is only a brothel if it has been used for such purpose for a considerable number of years. It does not mean that because a woman has started taking some men to her house it has become a brothel. A brothel

is a place where it has been proved to the satisfaction of the district magistrate that prostitution has been going on for some time. I want only the gazetted officers of police to have the power of arrest. I want the power to remain with experienced old gentlemen who cannot be suspected of immorality for their own purpose. Under this clause you are giving very drastic powers to the sub-inspector of police. He may arrest without warrant any person committing an offence under sections 5, 6, 7, 8 or 9. Section 5 refers to any person over and above the age of 18 living on the prostitution of another person, section 6 refers to any person who procures a girl for the purpose of prostitution, and sections 7, 8 and 9 refer to any person who, a woman says, is withholding her for immoral purposes. Just think how serious a thing it is. A woman says to a sub-inspector that there is a person who is withholding her jewellery worth Rs. 20. That man or woman may be a very honourable person, but that sub-inspector will have the right to arrest that person there and then. This enormous power should not be given to the sub-inspector of police. Does the honourable mover of the Bill really want that if a woman simply says that such and such a man is withholding jewellery from her, the sub-inspector should have the power to arrest that man, not only that man but any woman who is reported to be withholding the jewellery? In this case any respectable woman can be implicated. A prostitute will say that this lady of rank is withholding her jewellery, and the police sub-inspector will arrest her then and there. I submit that this is a power which we cannot entrust even to an inspector. In the Criminal Law Amendment Bill which was considered by the House only recently the Government agreed to limit its application only to terrorists and communists. But what the Government have taken by one hand they have given by the other, and in a worse form. With this power in the hands of the subordinate police nobody is safe. A bad woman has only to lodge a complaint and any decent person will be arrested by the police. If it is the desire of the Government that this power should be given to the police, it must be given only to gazetted police officers and to no one else. If this tremendous power is in the hands of the subordinate police, the whole police department will lose any popularity that it now commands and it will also slacken the discipline of the police by giving temptation. If an assistant inspector or even an inspector sees a young pretty girl and takes a fancy to her and she is unwilling to yield to his overtures he can exercise his powers under this provision and arrest her even though she may be quite innocent. That unfortunate girl will be entirely in the clutches of that police officer. Thus the discipline of the police will be shaken. Why should such a temptation be placed before these subordinate police officers? The Government may say that I am overdrawing the picture. But one has to do so in such cases as this. One has to imagine the worst that may arise out of such a provision as this. Only by imagining the worst we can bring about a law, a code of legislation which is absolutely safe for the country. If this provision is allowed to stand as it is, the law will become a scandal of the worst type.

Mr. President : How often is the honourable member going to repeat the same argument ?

Shaikh Muhammad Sadiq I am sorry I have to repeat it so often, but it is only by such repetition that immobile persons can be moved. The honourable members opposite are sitting with faces of steel and absolutely immobile. How can I help repeating my arguments in order to convince them of the correctness of my arguments?

Mr. President : Clause under consideration, amendment moved—

That in clause 11, lines 2-6, the words "and any police officer not below the rank of Assistant Sub-Inspector specially authorised in writing in this behalf by the Superintendent of Police," be omitted.

Mr. Nanak Chand Pandit : There is another amendment on the notice paper in the name of Khan Sahib Chaudhri Riasat Ali. I would prefer to accept that amendment. I therefore oppose the present one.

Mr. President : The question is—

That in clause 11 lines 2-6, the words "and any police officer not below the rank of Assistant Sub-Inspector specially authorised in writing in this behalf by the Superintendent of Police" be omitted.

The motion was lost.

Mr. President : The question is—

That in clause 11, lines 3-4 the word "Assistant" occurring before the word "Sub-Inspector" be omitted.

The motion was carried.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I beg to move—

That in clause 11 the following be added at the end of the proviso :—

"or if the person arrested furnishes sufficient security to appear before a court."

I need not make any lengthy speech in support of this amendment. I only need refer to the same point to which I referred in connection with my previous amendment. It was considered by the select committee that some sort of check ought to be put on the absolutely free powers of the persons working this Act. This proviso was added for the reasons that a person may not unnecessarily be harassed or troubled. The only object of arresting a person is to ensure that he is brought before a court of law. If there is sufficient security to ensure the attendance in court of such a person, there is no need to arrest him. My amendment is therefore sought to enable a person who is accused of an offence under this Act to get away on giving sufficient security for his attendance in court. This will avoid his being put up in the lock-up if he furnishes sufficient security to the satisfaction of the officer who arrests him.

Mr. President : Clause under consideration, amendment moved—

That in clause 11, the following be added at the end of the proviso :—

"or if the person arrested furnishes sufficient security to appear before a court."

Mr. Nanak Chand Pandit : I do not think this amendment need be accepted. In the first instance the word "sufficient" has not been explained; sufficient to the satisfaction of whom? What is the use of a person furnishing a security if he refuses to disclose his identity. For these reasons and for the reason that there is sufficient protection in the Bill itself for the person whom Khan Sahib Chaudhri Riasat Ali seeks to protect, I consider that there is no necessity for this addition.

Mr. President : The question is—

That in clause 11, the following be added at the end of the proviso :—

“or if the person arrested furnishes sufficient security to appear before a court.”

The Council divided : Ayes 22, Noes 28.

AYES.

Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Allah Dad Khan, Chaudhri.
 Arjan Singh, Sardar.
 Asadullah Khan Chaudhri.
 Buta Singh, Sardar Bahadur Sardar.
 Chhotu Ram, Rao Bahadur Chaudhri.
 Faqir Husain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab Chaudhri.
 Haibat Khan Daha, Khan.
 Mamraj Singh Chohan, Kanwar.
 Muhammad Abdul Rahman Khan, Chaudhri.

Muhammad Amin Khan, Khan Bahadur Malik.
 Muhammad Hayat Qureshi, Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani, Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muzaffar Khan, Khan Bahadur Captain Malik.
 Panoram Chand, Thakur.
 Ram Singh, 2nd-Lieutenant Sardar Sahib Sardar.
 Riasat Ali, Khan Sahib, Chaudhri.
 Roberts, Professor W.
 Umar Hayat, Chaudhri.

NOES.

Abdul Aziz, Khan Bahadur Mian.
 Anderson, Mr. J. D.
 Askwith, Mr. A. V.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Bradford, Mr. W. G.
 Chetan Anand, Lala.
 Dobson, Mr. B. H.
 Fazl Ilahi, Khan Sahib Shaikh.
 Firoz Khan Noon, The Honourable Malik Sir.
 Grindal, Mr. A. D.
 Janmeja Singh, Captain Sardar Bahadur Sardar.
 Jogendra Singh, The Honourable Sardar Sir.

Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Macfarlane, Mr. D.
 Mayadas, Mr. Ernest.
 Mukand Lal Puri, Rai Bahadur Mr.
 Muzaffar Khan, The Honourable Nawab.
 Nihal Chand Aggarwal, Lala.
 Puckle, Mr. F. H.
 Pandit, Mr. Nanak Chand.
 Sanderson, Mr. R.
 Sewak Ram, Rai Bahadur Lala.
 Shah Nawaz Khan, Nawab Khan.
 Sheo Narain Singh, Sardar Bahadur Sardar.
 Tate, Mr. T. B.

Mr. President : The question is—

That clause 11 as amended stand part of the Bill.

The motion was carried.

Clause 12.

Mr. President : The question is—

That clause 12 stand part of the Bill.

The motion was carried.

Clause 13.

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) :
I beg to move—

That the following be added at the end of clause 13 :—

“ and the District Magistrate shall not give any such order for a prosecution under section 4 (1) (b) without having given an opportunity for a hearing to the tenant, lessee, occupier or person against whom information is laid ”.

Mr. President : Clause under consideration, amendment moved—

That the following be added at the end of clause 13 :—

“ and the District Magistrate shall not give any such order for a prosecution under section 4 (1) (b) without having given an opportunity for a hearing to the tenant, lessee, occupier or person against whom information is laid ”.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) :
This amendment is obviously absurd because it means really two trials. For example if the district magistrate finds that he should not prosecute the man, he expresses his opinion and the real object of the trial will thus be frustrated. Therefore this amendment cannot be accepted.

Mr. President : The question is—

That the following be added at the end of clause 13 :—

“ and the District Magistrate shall not give any such order for a prosecution under section 4 (1) (b) without having given an opportunity for a hearing to the tenant, lessee, occupier or person against whom information is laid ”.

The motion was carried.

Mr. President : The question is—

That clause 13 as amended stand part of the Bill.

The motion was carried.

Clauses 14 to 17.

Mr. President : The question is—

That clauses 14 to 17 stand part of the Bill.

The motion was carried.

Preamble.

Mr. President : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1.

Mr. President : The question is—

That clause 1 stand part of the Bill.

The motion was carried.

Mr. President : Under sub-clause (2) of clause 94 of the business rules, I refer the Bill to a drafting committee to report what amendments of a formal or consequential character should be made in the Bill. The committee shall consist of the mover of the Bill, The Honourable Mr. D. J. Boyd, to whose department the Bill relates, the Legal Remembrancer and the Deputy President. The report to be submitted by the 12th November 1935.

THE PUNJAB DEBTORS' PROTECTION BILL.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, Non-Muhammadan, Rural): I beg to move—

That the Punjab Debtors' Protection Bill be referred to a select committee consisting of—

Sardar Sahib Sardar Ujjal Singh;
 Thakur Pancham Chand;
 Kanwar Mamraj Singh Chohan;
 Sardar Bishan Singh;
 Sardar Sampuran Singh;
 Khan Bahadur Nawab Muhammad Hayat Qureshi;
 Khan Sahib Chaudhri Riasat Ali;
 Pir Akar Ali;
 Khan Bahadur Malik Zaman Mehdi Khan;
 The Honourable Mr. D. J. Boyd;
 Mr. J. D. Anderson;
 A nominee of the Honourable President, and
 The Mover.

It will be observed that I have substituted the names of Sardar Sahib Sardar Ujjal Singh and Thakur Pancham Chand in the place of Diwan Bahadur Raja Narendra Nath and Rai Bahadur Mr. Mukand Lal Puri as I was given to understand that they were not prepared to serve on the select committee. This I have now definitely ascertained from them and I have no alternative but to suggest two other names in the place of those gentlemen.

I do not propose to make a long speech on the present occasion. I will just draw the attention of the House to a few facts which emerge from a perusal of the opinions which have been received after the Bill was circulated for the purpose of eliciting public opinion thereon. Originally the idea was that a brief special session should be called in January 1935 when the Bill should be circulated for the purpose of ascertaining public opinion and then brought up for final consideration during the last budget session. But various circumstances prevented that being done and the Bill had to be postponed for introduction to the budget session and then had to be circulated for the purpose of ascertaining public opinion. While I am very sorry that the final consideration of this Bill has been delayed for about six months, I am very glad to find that the opinions that have been expressed on this Bill lend me much greater support than I could possibly have expected on the basis of past experience. It is a pleasure to me to observe that the sleeping, silent, voiceless section of the population to safeguard whose interests this Bill was introduced is waking up. Quite a number of public bodies or public gatherings have expressed their opinion in regard to this Bill on the side of the indebted classes. Several individuals also have expressed their opinion in favour of the provisions of this Bill. What gives me unusual pleasure is the fact that the Honourable Judges of the High Court have been able to lend an amount of support to the provisions of this Bill which I could not have guessed at the time when the Bill was introduced in this Council.

[R. B. Ch. Chhotu Ram.]

I will now proceed to give a few details about the amount and character of the support which this Bill has been able to receive from the Honourable Judges of the High Court. The Honourable Mr. Justice Abdur Rashid, the Honourable Mr. Justice Blacker and the Honourable Mr. Justice Din Muhammad support the Bill practically in its entirety. The Honourable Mr. Justice Beckett agrees with these three gentlemen except that he gives only qualified support to clause 4. The Honourable Mr. Justice Bhide seems to concede the principle of the Bill though he thinks that the provisions go too far. The Honourable Mr. Justice Skemp approves of clauses 3 and 4. The Honourable Mr. Justice Munroe favours licensing of money-lenders and clauses 3 and 4. The Honourable Mr. Justice Dalip Singh objects only to clauses 6 and 7 and in a lesser degree to 3 and 4. Exemption from attachment of standing crops, amendment of the Regulation of Accounts Act and licensing of money lenders seem to have proved acceptable to him. The Honourable Mr. Justice Jai Lal and the Honourable Mr. Justice Tek Chand agree with the Honourable Mr. Justice Rangil Lal that so far as the actual tillers of the soil are concerned, they are prepared to do all that is possible and desirable to afford them protection, but they think that the provisions of the Bill are too wide. The Honourable Mr. Justice Addison and the Hon'ble Mr. Justice Coldstream object only to the curtailment of the period of limitation. On the whole, therefore, I may claim that nearly 75 per cent. of the High Court seem to bless the principles of this Bill and afford a very substantial measure of support to the specific provisions contained in it. Then again, 24 deputy commissioners have expressed their opinion on this Bill. Out of these as many as 13 support the Bill. Three are wavering, they have not been able to make up their mind, while 8 only oppose the Bill. That again is a much more substantial measure of support than I anticipated in the beginning. Out of the Commissioners only one supports the Bill, the other two are opposed. So far as district boards are concerned 20 of them have expressed their opinions and all of them have expressed themselves to be in favour of the Bill. In regard to municipal committees I am very pleasantly surprised to find that 14 have supported the Bill out of 31. Two out of 31 are neutral while 15 out of 31 are definitely opposed to this Bill. Out of small town committees 7 have supported the Bill and ten have opposed it. Two notified areas have expressed their opinion, and both of them have supported this Bill. Three cantonment authorities have expressed their opinion and all three are in support of this Bill. Out of other public bodies, public meetings etc. 25 out of 56 support the Bill. Among individuals I find that 22 have expressed their opinions: 13 of these opinions are in support of the Bill. Thus the measure of support which this Bill has been able to receive is very encouraging, indeed, both in volume and in quality. It surpasses my original expectations to a very large extent.

Again, I may draw the attention of the House to the feelings to which this Bill has given rise among agriculturists. The Rajput Prantiya Sabha has supported the provisions of this Bill in their entirety. The Muslim Rajput Conference which was held at Amritsar only yesterday passed a resolution giving its blessings to the Bill in its entirety. A very large conference of zamindars was held at Toba Tek Singh, I think, in July. There a unanimous resolution was passed favouring the provisions of this Bill and

urging the Government to place it as quickly as possible on the statute book. Further, towards the end of September a very largely attended conference of zamindars drawn from every part of the province was held at Lyallpur. There again the provisions of this Bill were approved by the conference and a unanimous resolution supporting the Bill, both as regards its underlying principle and its specific provisions was passed. Under the circumstances, I can legitimately and justly claim that this Bill has received a measure of support which will, let me hope, come as a pleasant surprise to the Government itself. The section of the people which has been so long accustomed to remain quiet and silent has suddenly become active and vigilant, has found its tongue and given expression to the feelings which surge up in its breast. That is a distinct sign of awakening in classes which have slept far too long in our province. Therefore, I can very reasonably ask both the official and non-official members of this House to give their blessings to this Bill here in the Council and also during the committee stage. I will not take any more time but will conclude these brief observations with the remark that the treatment which this Bill receives at the hands of the various sections of the House will be the acid test of the sympathy which they have so often professed for the indebted class (*cheers*).

Mr. President : Motion moved—

That the Punjab Debtors' Protection Bill be referred to a select committee consisting of the following :—

Sardar Sahib Sardar Ujjal Singh ;
 Thakur Pancham Chand ;
 Kanwar Mamraj Singh Chohan ;
 Sardar Bishan Singh ;
 Sardar Sampuran Singh ;
 Khan Bahadur Nawab Muhammad Hayat Qureshi ;
 Khan Sahib Chandhri Riasat Ali ;
 Pir Akbar Ali ;
 Khan Bahadur Malik Zaman Mehdi Khan ;
 The Honourable Mr. D. J. Boyd ;
 Mr. J. D. Anderson ;
 A nominee of the Honourable President ; and
 The Mover.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*): The previous Act which was passed by the Government in this connection was more than sufficient to crush the *shukars*. In its presence there was no necessity to bring forward a new measure to effect the same purpose. In the previous Act there are some two or three provisions which are sufficient to harass the money-lenders. I need not explain them. The present measure will be the cause of their further worry. It provides that the collector should exempt from temporary alienation such portion of agricultural land belonging to an agriculturist judgment-debtor as is sufficient for the maintenance of the judgment-debtor and his family. We all know that in these days when the prices of agricultural produce are so low no one can depend for his maintenance on the income from the agricultural land. Whether a man owns two acres or twenty or two hundred, the income from it is not sufficient for his maintenance. I also own land and I know that the income from it is not sufficient for my maintenance.

[L. Bhagat Ram.]

As such it is quite possible that the collector will forbid the temporary alienation of any portion of the land of the judgment-debtor. The next point I want to put before the House is that it is provided in this Bill that if any money-lender's name is removed from the register of licensed money-lenders or if any money-lender happens to advance a loan after the commencement of this Act but fails to get his name entered in the register of licensed money-lenders he will not be able to recover his debt. This is too harsh a provision. There are many women who carry on the profession of money-lending by advancing loans against the security of ornaments deposited with them. These women who derive their subsistence in this way will lose their claim to all debts advanced by them. By the application of these provisions the money-lending classes will suffer too heavily. (*An honourable member*: These provisions have been introduced in the Bill to make the sahuksars more honest.) The same can be said against those with whom will rest the application of these provisions. If they happened to be prejudiced against the sahuksars they would misuse those provisions. I do not want to make a personal attack but it is observed that a new convert is always the deadliest enemy of the followers of his previous faith. If a Hindu embraces islam he turns all his energies against the Hindus and Hinduism. Pathans and Mughals are not so biased against the Hindus as a proselyte. Pathans and Sayads treat us Hindus more politely than the converts from Hinduism to Islam. The old families of pathans and Sayads help Hindus and also show them many favours but the new converts to Islam gird up their loins to extirpate the Hindus. Similarly if a *Sanatani* Hindu becomes a *samaji* Hindu he becomes too much bigoted against his old faith. I remember in an office there was a head-clerk who had become a *samaji* and had become so much prejudiced against the *sanatani* Hindus that whenever a Hindu belonging to the latter faith joined service in that office under him as a clerk, he used to treat him most harshly and tried to get him dismissed. In the same way if a *chamar* becomes a muslim he tries to harm the Hindus as much as he can. Dharm Veer is an example to illustrate my point.

Mr. President : Will the honourable member please discuss only the principles of the Bill?

Lala Bhagat Ram : According to the law in force a decree can be executed within a period of twelve years. And in case the execution of a decree is pending, it remains alive even beyond the twelfth year. But, in accordance with the proposed legislation, the attachment proceedings would be stopped at the end of the sixth year, at whatever stage the proceedings might be. This new proposal of six years will seriously affect the sahuksars and will prove highly prejudicial to their interests.

A big zamindar advances twenty rupees to a small zamindar and gets the agricultural land of the latter mortgaged in his favour. The village sahuksar has no money left with him. He is unable to advance anything to the zamindars to enable him to recover his land. Whatever he had he has already paid to the zamindar. The result of this will be that the big landlords will swallow the small holders.

The poor villagers are absolutely illiterate and ignorant. They do not understand the significance of these legislative bodies and councils. They cannot realize the workings of these assemblies, much less can they start any agitation against them, if their activities are not directed towards their welfare. The representatives of the zamindars have their own axes to grind. They never bother about the zamindars, nor do they really try to do anything which may help them. They bring forward only such measures as will promote their own interests, but will not relieve the zamindars of their embarrassment and indebtedness.

The creditors are already crying against the law that was passed last year. The proper thing would have been that the creditors should have been paid at least four annas in the rupee, so that they might have felt some consolation. But, unfortunately, nothing of that kind has been done. In this Bill it is provided that the collector shall exempt from temporary alienation such portion of the agricultural land belonging to an agriculturist judgment-debtor as is sufficient in his opinion for the maintenance of the judgment-debtor and his family. I fail to understand why in one legislation two different kinds of treatments are proposed for the agriculturists and the non-agriculturists. The law is meant for all and it should be fair and square to everybody. If a favour is shown to the agriculturists, it should also be shown to the non-agriculturists.

This Bill purports to create class distinctions. There is hardly any good point in it. Even the previous Bill was sufficient for creating class distinctions and for ruining the sahukars. The proposed Bill will severely damage the good relations between the zamindars and the non-zamindars. They will lose all confidence in each other. There will be a lot of disturbance in the country. The Government will have to interfere and settle the disputes. The Government, too, will suffer a loss. Look at the previous legislation; it has been condemned by all and sundry. There is no hurry about making a new legislation. What is the harm in bringing forward this measure at the time of the new Council. In the new Council the Unionist Party will be in a large majority, and it will be extremely powerful. At that time this Bill can be introduced. With these words, I oppose this Bill.

The Council then adjourned till 2 P.M., on Tuesday, 29th October, 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 29th October, 1935.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

WRONG AGE OF A CERTAIN ADDITIONAL DISTRICT MAGISTRATE.

***4727. Lala Jyoti Prasad :** Will the Honourable Finance Member please state—

- (a) whether a registered letter was sent to Chief Secretary in March 1935 by one Sardar Santokh Singh of Qila Sheikhpura regarding the wrong age of a certain additional district magistrate of the Punjab Civil Service ;
- (b) whether it is a fact that a certified copy of a birth entry from the municipal register of his place of birth was enclosed giving the birth date as 24th June, 1881 ;
- (c) whether it is a fact that a discrepancy of nearly five years exists between this age and the officially recorded age of the said official as given in the History Sheet (4th April, 1886) ;
- (d) what action has been taken in the matter and what explanation the officer has for this serious discrepancy ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) No. A document purporting to be an extract from the register of births maintained in the office of the Municipal Committee, Hoshiarpur, accompanied the petition, but there is no indication in that document that it relates to the date of birth of the officer referred to.

(c) and (d) Do not arise.

GOVERNMENT PRINTING PRESS WORKERS' UNION.

***4728. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that on the 24th of August, 1934, the Punjab Government Printing Press Workers' Union, Lahore, requested for the permission of the Superintendent, Punjab Government Printing Press, Lahore, to wait upon him in a deputation as regards certain grievances of theirs ;
- (b) if so, whether the required permission was granted to the Union ;
- (c) if answer to (b) be in the negative, reasons for not granting the permission ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) Because the Punjab Government Printing Press Workers' Union had not been recognised by Government as an association of Government employees. It was, however, made clear that the Superintendent, Government Printing, would at all times be prepared to hear and consider grievances put forward by any of his subordinates whether individually or in deputation provided the members of the deputation were all Government servants and were actually working in the Press.

Mr. M. A. Ghani : Will the Honourable Member please state whether it is a fact that the late Superintendent of the Press allowed the Union to lead deputations to him ?

The Honourable Nawab Muzaffar Khan : I do not know. I will find out.

Mr. M. A. Ghani : Will he please state whether it is a fact that there is no hard and fast rule that unions must be recognised in order to allow them to lead a deputation ?

The Honourable Nawab Muzaffar Khan : There is no hard and fast rule.

Mr. M. A. Ghani : If not, why was the rule made so stringent in this case ?

The Honourable Nawab Muzaffar Khan : It is within the discretion of the Superintendent. I do not think you can bind him.

GOVERNMENT PRINTING PRESS WORKERS' UNION.

*4729. **Mr. M. A. Ghani :** With reference to the answer to my question No. *80¹ put on the 27th of February, 1931, will the Honourable Revenue Member be pleased to state—

(a) whether the Punjab Government Printing Press Workers' Union, Lahore, has now been recognised ;

(b) if not, reasons for not recognising the Union upto now ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Failure of the Union to abide by the rules for the recognition of associations of Government employees which require that members and office bearers shall be confined to Government servants or honourably retired officers belonging to the same class of Government employees.

Mr. M. A. Ghani : Is it a fact that the Union is registered under the Trade Unions Act ?

The Honourable Nawab Muzaffar Khan : May be.

Mr. M. A. Ghani : Is the Honourable Member aware that the Unions of Government servants registered under the Indian Trade Unions Act can have five or more than five outsiders to form the executive thereof ? If that is so, then why was this Union not recognised ?

The Honourable Nawab Muzaffar Khan: These are Government rules and we consider them desirable in the interests of Government servants themselves.

Mr. M. A. Ghani: Is this an idea to oust the outsiders from the Trade Union Movement?

The Honourable Nawab Muzaffar Khan: It is really in the interests of Government servants themselves.

Mr. M. A. Ghani: Is it not a fact that an outsider is better able to advocate their cause?

The Honourable Nawab Muzaffar Khan: I would keep the outsiders out in any case.

Mr. M. A. Ghani: Is the Honourable Member aware that there is a definite recommendation of the Royal Labour Commission that the outsiders should not be ousted from the Labour Unions of Government servants?

The Honourable Nawab Muzaffar Khan: I do not claim to remember the whole of the Labour Commission Report, but if you draw my attention to it I will look into it.

GOVERNMENT PRINTING PRESS WORKERS' UNION.

***4730. Mr. M. A. Ghani:** Will the Honourable Revenue Member be pleased to state—

(a) whether the Punjab Government Printing Press Workers' Union, Lahore, made any representation to His Excellency the Governor in Council, Punjab, on the 30th of November, 1934, praying for the recognition of the Union;

(b) whether the Union mentioned in (a) has been accorded recognition;

(c) if answer to (b) be in the negative, reasons for not recognising the Union?

The Honourable Nawab Muzaffar Khan: (a) Yes.

(b) No.

(c) The honourable member is referred to my answer to part (b) of his question No. *4729 (above).

GOVERNMENT PRINTING PRESS WORKERS' UNION.

***4731. Mr. M. A. Ghani:** Will the Honourable Revenue Member be pleased to state—

(a) whether it is a fact that the Punjab Government Printing Press Workers' Union, Lahore, sent a representation to the Registrar, Trade Unions, Punjab, Lahore, on the 10th of June, 1935, on the subject of certain rights of trade unions;

(b) if so, will he be pleased to lay on the table a copy of the representation?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) A copy of the representation is placed on the table—

An appeal, dated the 10th June, 1935, from the General Secretary, the Punjab Government Printing Press Workers' Union, Lahore, to the Registrar, Trade Unions, Punjab.

The Government of India passed the Indian Trade Unions Act (No. XVI of 1926) for the welfare and amelioration of the condition of workers. The Government of India probably aimed that all labour in India should be organised in the form of unions and societies, and may derive the benefit and the privileges which are conferred upon such unions and organisations by the Act in question, provided such unions, etc., are registered thereunder.

2. The employees of the Punjab Government Press being impressed by the sympathetic trend of Government, attempted to derive the advantages of the Indian Trade Unions Act and with a view to remove their difficulties by taking protection under the Act under reference, organised a union under the name of "The Punjab Government Printing Press Workers' Union". The union was registered in the year 1929 with the assistance of Mr. M. A. Ghani, M. L. C., Bar-at-Law, Lahore.

3. The union in the hope that the concessions permitted by Government in the Act for the labour class are based on reality, represented their grievances in the form of a memorial, submitted to the Punjab Government through the Superintendent, Government Printing, Punjab, Lahore. The first demand made therein was that the union should be recognised. Government have not given any reply in spite of one or two reminders. Finally on 27th February, 1931, the Honourable Sir Sikander Hyat-Khan, Revenue Member, replied to the Council question raised by Mr. M. A. Ghani saying that the Government of India was considering the question of recognition of unions of Government employees and that the question of recognition of this union would be considered soon after the rules were received from the Government of India.

4. The officers of the Punjab Government Press, on seeing the press employees being organised into a union, began to molest the officers of the union in particular and the other employees (union members) in general by the issue of illegal and intolerable orders, so that the combination of the union may terminate. The union raised a storm of protest against the aforesaid orders, and asked for permission to wait in a deputation; but the Superintendent, Government Printing, Punjab, refused to meet the deputation on the ground that "the union is not recognised by Government."

5. Now that the Government of India have framed and issued in the *Government of India Gazette* rules and regulations for the recognition of the association of Government employees, we once again applied on 30th November, 1934, to the (Punjab) Government through the Superintendent, Government Printing, Punjab, for the recognition of our Union. But after waiting for full two months we came to know through the Superintendent, Government Printing, Punjab, that Government have taken no heed of our application and have refused recognition of our Union. When we asked for a copy of the Government's order of refusal the Superintendent replied that the orders of Government were confidential, a copy of which could not be supplied under any circumstances.

6. We are wonderstruck (to find) that on one side Government enacts laws for the betterment and welfare of the labourers with a view to give them a little push and even appoints a Commission to secure further facilities for them, while on the other the same Government is refusing to recognise a Union registered under an Act framed by itself. It means that Government is framing laws to enable the labourers to combine together and to impress upon them the advantages of such combinations, and if after being influenced by its sympathetic trend, they form a Union, it is refused recognition. Can we conclude from this doublehanded policy of Government that the passage of the Indian Trade Unions Act, the appointment of the Royal Commission on Labour and all other Acts of this nature, are framed only to regularize the official procedure. In reality they are not worth the paper they are written on. If Government does not respect its own laws, how far is it justified to expect their compliance from the general public.

7. It is a matter of few days that our Union shifted its head office from Bhati Gate to Qila Gujar Singh and duly sent the information to you. But for a slight evasion that the information was not sent in time, you called for an explanation and gave a threat of prosecution to the representatives of the Union, though this evasion was not intentional but was due to ignorance of the law on the point.

8. If the annual returns of the Union are not submitted to your office by the fixed date, viz., 31st July, 1935, you start the machinery of law to exercise your powers relating to the arrest (prosecution) of the officers of the Union. Was this the only aim in organising the Union, that the labourers who are by nature of an independent mind and want to remain as

such, should tie themselves with the indefinite circuits as in a chain of law and keep themselves in a mental worry all the time, lest they may be called upon to explain any step that they may take contrary of legal maxims. If the Union would claim for a privilege on a reference to this very enactment, ordinarily no reply is received and even if given, it is simply blank.

9. The connections of the Registrar, Trade Unions, Punjab, with the labour class should be of a higher degree than that with the Government or the capitalists. It is because of this that I place before you the following requests with the hope that you will give due consideration thereto and propose a correct solution to enable us to arrive at any definite conclusion:—

- (1) For which class of labour has the Indian Trade Unions Act (No. XVI of 1926) been enacted?

Are Government employees and in particular those in the Punjab Government Press covered by this Act?

- (2) Can employees of any Government factory form a union under this Act? If reply is in the negative, why did you issue a certificate of registration in favour of the Punjab Government Printing Press Workers' Union (No. 17 of 1929) on receipt of a sum of Rs. 5, and why did you not inform us on the very first day that we could not come under the purview of this Act? If reply is in affirmative, then why is the Government refusing to recognise our registered body? Will you kindly place this matter before Government?

- (3) If the truth is that Government is not prepared to accept the maxims of such laws as have been framed for the welfare of labour, then our Union demands emphatically that the Trade Unions Act, the Trade Disputes Act, the Indian Factories Act and the recommendations of the Royal Commission on Labour should be cancelled or suspended forthwith or at least the labour employed in Government concerns should be exempted from these enactments, and be left over at the mercy of their officers. We may be permitted to hold a general meeting to proclaim the termination of the Union and pass a resolution for the cancellation of our certificate of registration.

10. The financial year for which the returns are due from the Union has closed and we have received a letter from you for the free audit of the accounts. As our Union has not been able to derive any advantage from the relevant labour laws framed by Government, but has rather been tied down with the technicalities of law, we refuse to comply with this order intentionally by way of protest, so long as you fail to make adequate arrangements for the fulfilment of the just demands of the Union and send us a satisfactory reply about this before the 31st day of July 1935.

11. It is a matter of regret that besides solving the difficulties of the labour class and completing their just demands, their organised body is being refused recognition. This clearly means that labour in Government concerns is being deprived of their just and legitimate rights.

PRINTING PRESS HANDBOOK.

*4732. **Mr. M. A. Ghani:** Will the Honourable Revenue Member be pleased to state—

- (a) whether Government is aware that the Government of India revised their Printing Press Handbook of 1899 in 1929;
- (b) whether the Punjab Government Printing Press, Lahore, still uses the Handbook of 1899;
- (c) if so, reasons for not using the latest Handbook of 1929?

The Honourable Nawab Muzaffar Khan: (a) Yes.

(b) Partly.

(c) It is not essential for the Punjab Government to adopt those rules and rates that are framed exclusively for the use of Government of India Presses.

Mr. M. A. Ghani: Is it a fact that in the Government Printing Press the same rights prevail as obtain in the private-owned presses?

The Honourable Nawab Muzaffar Khan: I will find out.

GOVERNMENT PRINTING PRESS.

***4733. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that some members of the staff of the Punjab Government Printing Press, Lahore, used to go to Simla with the Punjab Government during summer ;
- (b) since when the staff does not go to Simla ;
- (c) reasons for not taking the staff to Simla now ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Since 1925.

(c) In the interests of economy.

Mr. M. A. Ghani : Will the Honourable Member tell me what were the printing expenses when the staff used to go to Simla and what are the printing expenses now when the staff does not go to Simla.

The Honourable Nawab Muzaffar Khan : I require notice of that question.

Mr. M. A. Ghani : Is it a fact that the printing work of Government suffers a lot because the staff of the Government Press is not taken to Simla ?

The Honourable Nawab Muzaffar Khan : I have received no complaints whatever.

Mr. M. A. Ghani : How is the printing work done at Simla ?

The Honourable Nawab Muzaffar Khan : I think by the Government of India Press as far as I am aware. At least that used to be the practice two years ago.

Mr. M. A. Ghani : Do they do the work cheaper ?

The Honourable Nawab Muzaffar Khan : I think that that arrangement is found to be cheaper on the whole.

GOVERNMENT PRINTING PRESS.

***4734. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the different workers of the Punjab Government Printing Press, Lahore, have to handle lead during the course of their working there ;
- (b) whether it is a fact that a number of workers mentioned in (a) are suffering from lead poisoning in various degrees ;
- (c) if so, what action has been taken by the Government to alleviate the effects of the lead poisoning in the Press ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) Does not arise.

Mr. M. A. Ghani : Is it a fact that the workers of the Punjab Government Printing Press are never examined by a doctor ?

The Honourable Nawab Muzaffar Khan : I require a notice of that question.

Mr. M. A. Ghani : Is it a fact that a doctor periodically goes to the Government of India Press and examines the workers there in order to find out whether they are having the effect of lead poisoning?

The Honourable Nawab Muzaffar Khan : I am not aware. There is no question of lead poisoning in this case at all. So it is not a relevant question.

FACTORY INSPECTIONS.

***4735. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state the number of inspections made by the—

(i) Chief Inspector of Factories, and

(ii) the Inspectors of Factories

of the Punjab Government Printing Press, Lahore, during each of the years since 1930?

The Honourable Nawab Muzaffar Khan : There was no Chief Inspector of Factories in the Punjab before 1935. The figures of inspections made by the Inspector of Factories are given below—

1930	..	..	..	..	Nil.
1931	..	..	..	..	1
1932	..	..	..	..	Nil
1933	..	..	..	..	Nil
1934	..	..	..	..	1

In addition two visits were paid by the Inspector of Factories during 1931 and 1932 respectively to investigate the causes of certain accidents.

Mr. M. A. Ghani : What are the reasons for the Inspector of Factories not visiting the Press in the years he did not go there?

The Honourable Nawab Muzaffar Khan : I think because he believes that the arrangements generally are very satisfactory there.

Mr. M. A. Ghani : What are the grounds of this belief of the Inspector?

The Honourable Nawab Muzaffar Khan : I say that that must be one of the reasons.

LEAD POISONING IN GOVERNMENT PRINTING PRESS.

***4736. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

(a) whether there has recently been a case of lead poisoning in the Punjab Government Printing Press, Lahore;

(b) if so, what action has been taken by the Government as regards a recurrence or compensation to the sufferer?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

Mr. M. A. Ghani : Was there ever a suspected case of lead poisoning ?

The Honourable Nawab Muzaffar Khan : I will require notice of that question. There was no such case as far as I am aware.

Mr. M. A. Ghani : Is it a fact that one worker commonly known as Bodi, a steno-typist suffered from lead poisoning ?

The Honourable Nawab Muzaffar Khan : I will make enquiries. I am not aware of such a case.

Mr. M. A. Ghani : Who was the doctor who examined the case mentioned in the question ?

The Honourable Nawab Muzaffar Khan : There is no such question. My reply is no to your question.

Mr. M. A. Ghani : Is it not a fact that a certain man was suspected of lead poisoning ?

The Honourable Nawab Muzaffar Khan : Is not my reply quite clear ?

Mr. M. A. Ghani : Your information is wrong, Sir.

INTERVAL IN GOVERNMENT PRINTING PRESS.

*4737. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that all workers of the Punjab Government Printing Press, Lahore, are turned out of the Press from 12 to 12-30 and from 2 to 2-30 on all working days to observe the "interval hour" ;
- (b) whether it is a fact that there is no shed outside the Press under which the workers could take shelter during the hours mentioned in (a) ;
- (c) reasons for not providing any shed or other protection ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. The employees prefer to sit and rest in the open air.

(c) Further reasons are not necessary.

Mr. M.A. Ghani : Is it not a fact that the Workers' Union has passed a resolution that there ought to be a shed and that they would not like to sit in the open ?

The Honourable Nawab Muzaffar Khan : I am not aware.

Mr. M. A. Ghani : Is it not a fact that they would like to sit in a shed ?

The Honourable Nawab Muzaffar Khan : You must have seen that it is a very shady spot.

Mr. M. A. Ghani : But the shade does not prevent the rains and the sun.

SUB-REGISTRAR, PHALIA.

*4738. **Sardar Mangal Singh Man** : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether Government is aware that the office of Sub-Registrar, Phalia (district Gujrat) has fallen vacant owing to the retirement of Khan Muhammad Ashraf Khan ;
- (b) whether Government has received any representations about the Sikh claims to the said office ;
- (c) if so, how many and from whom they were received ;
- (d) whether Government proposes to consider Sikh claims when appointing a Sub-Registrar particularly when the last incumbent was a Muhammadan who held this office for over twenty years ;
- (e) whether Government has received any memorial or representation from the public bodies or individuals about the Muslim candidate for the post of the Sub-Registrar ; if so, what action has been taken by Government concerning this representation ?

Mr. F. C. Bourne (Secretary, Industries Department) : (a) There was a vacancy, which has now been filled.

- (b) Yes.
- (c) Seven. They were received from—
 - (1) The Secretary, Singh Sabha, Mandi Baha-ud-din.
 - (2) The Secretary, Khalsa Diwan, Phalia tahsil, Mandi Baha-ud-Din.
 - (3) The Singh Sabha, Wasu, Mandi Baha-ud-Din.
 - (4) The Secretary, Singh Sabha, Mangat, Mandi Baha-ud-Din.
 - (5) The Secretary, Singh Sabha, Pindi Baha-ud-Din.
 - (6) Sardar Jagat Singh Vasu, President, Local Sikh Gurdwara Committee, Wasu.
 - (7) The Secretary, Khalsa Darbar, Amritsar.
- (d) Chaudhri Muhammad Ashraf was appointed after considering the claims of all communities.
- (e) Not from any public bodies, but from various persons.

SUPPLY OF DRINKING WATER, HISSAR DISTRICT.

*4739. **Lala Jyoti Prasad** : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the Rural Sanitary Board, Punjab, has decided in its meeting held on 6th March, 1935, to allot a certain sum of money for the supply of drinking water in rural areas in the Hissar district ;
- (b) if so, whether he will lay a copy of the resolution on the table ;
- (c) what steps, if any, have been taken so far in the Hissar district to alleviate the suffering of the people of the rural areas in respect of water supply ;

[L. Jyoti Prasad.]

(d) whether the Deputy Commissioner, Hissar, got a list prepared of the villages where there is scarcity of drinking water ;

(e) if the answer to (d) be in the affirmative, whether he will lay a copy of it on the table ?

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

(b) A copy of resolution No. 19, dated the 6th March, 1935, passed by the Sanitary Board, Punjab (Rural Sanitary Board having been amalgamated with the Urban Sanitary Board in 1932, the combined body is called Sanitary Board, Punjab) is placed on the table.

(c) The Public Health Department is considering ways and means to provide potable water to villages in Hissar district where scarcity of water is felt. The chief difficulty is that the sub-soil water in most places, where there is scarcity of drinking water, is brackish.

(d) Yes.

(e) A copy of the list is placed on the table.

Copy of a resolution No. 19 of the Sanitary Board, Punjab, passed at its meeting held on 6th of March, 1935.

(19) *Supply of canal water in village ponds for drinking purposes in the Rural areas of Hissar District.*

Read endorsement No. 2905-P. H., dated 28th January, 1935, by the Secretary to Government, Punjab, Transferred Departments, forwarding for opinion of the Board a copy of the correspondence relating to the above scheme.

Resolved that a recommendation be made to Government that sanction be accorded for a grant-in-aid of Rs. 6,000 being given for the above scheme which commends itself to the Board, more especially in view of the fact that the district is so noted for the scarcity of water.

List of villages in Hissar district not possessing sweet water wells in sufficient quantity for drinking purposes.

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Names of tahsils.	Names of villages.	REMARKS.
Hissar	1. Ralli	} Well water is saltish. Water is not sufficient.
	2. Daulatpur	
	3. Dobbi	
	4. Kurri	
	5. Kohli	
Hansi	1. Singhwa Ragho	} Well water is saltish.
	2. Kirawar	
	3. Bhurtana	
	4. Biyyana Khara	
	5. Kinar	
	6. Nara	
	7. Mahula	
	8. Bad Chhapar	
	9. Khara Rangharan	
	10. Bhatol Jatan	
	11. Bhatol Rangharan	
	12. Khar Khara	
	13. Sulkheni .. ..		} There are no wells in these villages.
14. Khanpur		
15. Seedhar		

Names of tahsils.	Names of villages.	REMARKS.
Fatehabad..	<ol style="list-style-type: none"> 1. Pili Mandauri 2. Ban Mandauri 3. Thufan 4. Ramsara 5. Dayer 6. Jandwala 7. Dhabhi Khurd 8. Khabra Kalan 9. Khabra Khurd 10. Dhabhi Kalan 11. Suli Khera 12. Chuli Bagarian 13. Chuli Kalan 14. Chuli Khurd 15. Gadli 16. Chibarwal 17. Banawali 18. Dhand 19. Sheikhpura Daroli 20. Bhana 21. Dharni 22. Mananwali 23. Shahindenwali 24. Sirhan 25. Khari Kheri 26. Chobara 27. Kumharia 28. Khajur Jati 29. Kanal 30. Khanpur 31. Khabra Khurd 32. Bhodia 33. Khasa Mahajan 34. Mirpur 35. Sabarwas 36. Kajalkheri 37. Dholu 38. Kani Kheri 	<p>Well water is not sweet.</p> <p>There are no wells in these villages</p>
Bhiwani ..	<ol style="list-style-type: none"> 1. Malwas Devsar 2. Malwas Kohar 3. Tatani 4. Nakta 5. Dhangar 6. Lalwas 7. Pohkarwas 8. Kairu 9. Salewala 10. Sandwah 11. Sangarpur 12. Saghan 13. Dang Kalan 14. Dang Khurd 15. Badalwala 16. Badolah 17. Dadam 18. Saral 19. Chhapar Rangharan 20. Lilsa 21. Dhani Sahamwali 22. Kharkhari 	<p>There are no sweet water wells in these villages.</p>

[Hon. Malik Sir Firoz Khan Noon.]

Names of tahsils.	Names of villages.	REMARKS.
Bhivani—concluded ..	23. Godhi 24. Goranpura 25. Daryapur 26. Miran 27. Sadhani 28. Katwar 29. Jhulli 30. Nidhan 31. Mohlah 32. Godah 33. Kalali 34. Dhani Bhakran 35. Budh Seli 36. Sawanch 37. Mandholi 38. Surpura Kalan 39. Girwa 40. Sadewas	There are no sweet water wells in these villages.
Sirona	1. Nali Dabwali 2. Gobindgarh 3. Mandi Dabwali 4. Dolatpur Khera 5. Moranwali 6. Pir Khera 7. Bhagsar 8. Jandwala Jatan 9. Jhoti Khera 10. Malakpur 11. Sengar Saristewala 12. Sawaipur 13. Keharwals 14. Gandran 15. Bharu Khera 16. Teja Khera 17. Asa Khera 18. Jandwala Bishnoian 19. Gidar Khera 20. Darewala 21. Godika 22. Faridpur 23. Bukhara Khera 24. Ramgarh 25. Chakkan 26. Gadli 27. Rajpura Saini 28. Tarkanwali 29. Rampura 30. Dhilanwala 31. Jorian 32. Randhawa 33. Raipur 34. Abub Shahr 35. Sabu Khera <i>or</i> Sukheranwala Modi 36. Diwan Khera 37. Khuyen 38. Lakhwana 39. Kutiana 40. Ranghari Khera 41. Rajpura	There are no wells in these villages.

Names of tehsils.	Names of villages.	REMARKS.	
<i>Siras—continued.</i>	42. Ratta Khara		
	43. Rampura		
	44. Munawali		
	45. Chak Jalu		
	46. Salam Khara	There are no wells in these villages.	
	47. Ram Nagar		
	48. Nimla		
	49. Karansana		
	50. Dogranwali		
	51. Sher Garh		
	52. Alike		
	53. Jogewala		
	54. Masitan		
	55. Nilanwali		
	56. Habuwana		
	57. Phulu		
	58. Tigri		
	59. Panniwali		
	60. Rukdu		
	61. Burj Bhangu		
	62. Biruwala Gudha		
	63. Subewala		
	64. Gudha Kalan		
	65. Bhangu		
	66. Panjuwana		
	67. Sheikhupura		
	68. Fatehpur Nemat Khan		
	69. Karangarh		
	70. Sokuwala		
	71. Chhattarian		
	72. Raghuwana		
	73. Khuiyan		
	74. Math Dadu		
	75. Khokhar		
	76. Makha	Well water in these villages is saltish.	
	77. Mithri		
	78. Kingran		
	79. Tappi		
	80. Pipli		
	81. Asihar		
	82. Hassu		
	83. Bharuka		
	84. Barawali Awwal		
	85. Jhiri		
	86. Bap		
	87. Dhaban		
	88. Panjmala		
	89. Kassar		
	90. Mahna Khara		
	91. Dhuddiwali		
	92. Khawaja Khara		
	93. Mattuwala		
	94. Bijjuwali		
	95. Memberh Khara		
	96. Bachhiher		
	97. Balasar		
	98. Muhammadpuria		
	99. Fatehpuria		
	100. Mangalia		
	101. Nanuwana		
	102. Sultanpuria		

[Hon. Malik Sir Firoz Khan Noon.]

Names of tahsils.	Names of villages.	REMARKS.
Sraa—continued.	103. Dhotar 104. Daryawala 105. Jodhpuria 106. Banwala 107. Risalya Khara 108. Kharian 109. Sherpura 110. Sahuwala 111. Tajia Khara 112. Ghadewala 113. Ali Muhammad 114. Neza Khara 115. Phuikan 116. Jogiwala 117. Chaharwala 118. Rampura 119. Kheri 120. Bagarianwala 121. Kagdana 122. Kumharia 123. Goshyana 124. Jasana 125. Gigo Pani 126. Shahpur Mandori 127. Shakar Mandori 128. Gajia Rupana 129. Rupana Bishnoyan 130. Nahrana 131. Narayan Khara 132. Rajpura Keraanwali 133. Makho Shoran 134. Nathosari Kalan 135. Hazira 136. Rupana Dhillanwat 137. Ludeshar 138. Darba Khurd 139. Manak Diwan 140. Darba Kalan 141. Nirban 142. Lambi 143. Sakta Khara 144. Moj Garh 145. Jutanwali 146. Jamal 147. Bairasari 148. Dhakra 149. Godia Khara 150. Bakriyanwali 151. Kheowali 152. Gudrana 153. Lakarwali 154. Anand Garh 155. Roheranwali 156. Panniwali 157. Mota 158. Khai Sher Garh 159. Ghokanwali 160. Nuhianwali 161. Goriawala 162. Odhan	Well water in these villages is saltish.

Names of tahsils.	Names of villages.	REMARKS.
Sira—concluded.	163. Poharka 164. Umedpura 165. Chilkani Dhab 166. Khari Surera 167. Sukhchain 168. Chokerian 169. Jalalana 170. Chormar Khera 171. Jagmatwali 172. Kalanwali 173. Khatranwan 174. Phaggu 175. Rohau 176. Tharaj 177. Bhadra 178. Kamal 179. Desu Khurd 180. Pakka 181. Ghoranwali 182. Bhuna 183. Naiwala	Well water in these villages is saltish.

RURAL DEVELOPMENT.

***4740. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) the amount of money which the Punjab Government has received from the Government of India as its share from the amount of one crore distributed among the various provinces for spending on schemes for the economic development and improvement of rural areas ;
- (b) the scheme prepared by the Punjab Government for spending the above grant ;
- (c) the details of the scheme for each district and the amount to be spent in each ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

GUINEA-WORM DISEASE IN HISSAR DISTRICT.

***4741. Lala Jyoti Prasad :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that disease of guinea-worm is now-a-days prevalent in the villages in the Hissar district ;
- (b) if so, what steps, if any, have been taken by the local officers concerned for its prevention and cure ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, but only in villages of "barani" areas, where pond water is used for drinking purposes.

[Hon. Malik Sir Firoz Khan Noon.]

(b) Pamphlets on guinea-worm are distributed in the affected villages through the revenue officials and school teachers, and preventive measures are explained to the village people by the Public Health staff, such for example as that of unboiled drinking water being strained through muslin. During the year 1934, 391 patients were treated for guinea-worm in the dispensaries of the district.

RAILWAY STATION APPROACH ROAD AT TOHANA.

*4742. **Lala Jyoti Prasad** : Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that the railway station approach road at Tohana, in the Hissar district, was metalled at Government expense in 1899 on the distinct understanding that future maintenance of the road when metalled will form a charge against incorporated local district funds of the Hissar district, —*vide* paragraph 2 of Secretary to Government, Punjab, Public Works Department, Memorandum No. 1041, dated 3rd February, 1900, printed on page 81 of Punjab Government proceedings of May 1902 ;
- (b) whether it is a fact that the road was transferred to the District Board, Hissar, in 1910 ;
- (c) whether it is a fact that the District Board, Hissar, has taken no action for the repairs of this road during the last ten years or so ;
- (d) whether it is a fact that the above mentioned road is now in a most wretched condition and the people feel great inconvenience in walking over it even in day time and driving carts on it amounts to cruelty to oxen ;
- (e) whether it is a fact that notwithstanding the protests of the Town Committee of Tohana the Government have sanctioned the transfer of this road from the charge of the District Board of Hissar to that of the Town Committee of Tohana on an annual grant of Rs. 200 only for its maintenance ;
- (f) whether it is a fact that the Town Committee of Tohana has shown its inability to maintain this road until the road is handed over to it in a proper condition after effecting full repairs ;
- (g) whether it is a fact that the Town Committee of Tohana is unable to meet the expenditure of the repairs of the road from its funds and is also unable to take a loan from the Government for this purpose as it has no means to repay the loan ;
- (h) whether it is a fact that the sanctioned grant of Rs. 200 for the year 1934-35 has lapsed as the Town Committee has not drawn the amount from the Hissar treasury ;
- (i) whether it is also a fact that the cost of repairs of this road will be Rs. 6,000 approximately and the balance in hand of the Town Committee of Tohana is nearly Rs. 500 only ;
- (j) what Government intends to do in the matter ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a)—(b)
Yes.

(i) The cost of repairing the road is estimated at Rs. 4,000. The balance in hand of the Town Committee of Tohana on the 1st August, 1935, was approximately Rs. 500.

(j) Government do not intend to interfere in the matter. The road vests in the Town Committee of Tohana and will be repaired when the Committee is in a position to meet the cost of repairs.

ELEMENTARY SCHOOLS.

*4743. **Lala Jyoti Prasad** : Will the Honourable Minister for Education kindly state the number of aided elementary schools and their pupils in rural and urban areas separately in the province with their respective grants district-wise for the years 1932, 1933, 1934 and 1935 ending 31st of March every year ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

SUSPENSIONS AND REMISSIONS IN HISSAR DISTRICT.

*4744. **Lala Jyoti Prasad** : Will the Honourable Revenue Member kindly state tahsil-wise, for *kharif* as well as for *rabi*, the suspension and remission of land revenue and remission in *abiana* and *tagavi* loans for the years 1931 to 1935, in the Hissar district ?

The Honourable Nawab Muzaffar Khan : Statements giving the required information are laid on the table—

[Hon. Nawab Muzaffar Khan.]

Statement showing suspensions and remissions of land revenue for Kharif 1931 to Rabi 1935 in Hissar district.

Tahsils.	SUSPENSIONS.						REMISSIONS.									
	1931-32.		1932-33.		1933-34.		1934-35.		1931-32.		1932-33.		1933-34.		1934-35.	
	Kharif 1931.	Rabi 1932.	Kharif 1932.	Rabi 1933.	Kharif 1933.	Rabi 1934.	Kharif 1934.	Rabi 1935.	Kharif 1931.	Rabi 1932.	Kharif 1933.	Rabi 1934.	Kharif 1934.	Rabi 1935.	Kharif 1934.	Rabi 1935.
Bhiwani ..	Rs. 5,879	Rs. 11,151	Rs. 56,067	Rs. 6,150	Rs. 6,633	Rs. ..	Rs. 24,664	Rs. 2,794	Rs. ..	Rs. 22,911	Rs. 97,367	Rs. 14,044	Rs. ..	Rs. 13,978	Rs. 26,032	
Hansi ..	4,000	386	88,850	2,824	8,412	..	84,543	3,837	..	31,213	37,955	37,744	..	54,209	659	
Hissar ..	10,696	8,369	1,32,085	20,036	32,145	500	40,690	12,454	17,855	44,585	68,068	56,697	496	40,623	41,577	
Fatehabad ..	8,956	16,784	1,38,271	25,591	45,286	1,828	85,473	24,374	15,660	17,505	71,461	64,776	..	59,317	46,036	
Simsa ..	17,180	77,853	1,16,927	1,53,666	5,937	11,028	25,928	9,160	20,522	42,506	76,047	1,18,001	6,001	70,311	53,187	
Total ..	46,711	1,14,543	5,32,200	2,08,267	98,413	13,366	2,61,298	52,528	44,609	1,58,310	3,50,898	2,91,262	6,497	2,38,438	1,67,491	

Statement showing remission of Abiana for Kharif 1931 to Rabi 1935 in Hissar district.

Tahsils.	1931-32.		1932-33.		1933-34.		1934-35.	
	Kharif 1931.	Rabi 1932.	Kharif 1932.	Rabi 1933.	Kharif 1933.	Rabi 1934.	Kharif 1934.	Rabi 1935.
Bhiwani ..	1,974	3,586	271	351	39	111	232	186
Hansi ..	39,404	45,508	5,990	5,402	25,150	9,710	12,946	2,541
Hissar ..	18,339	21,637	2,856	4,648	11,849	18,736	5,840	1,349
Fatehabad ..	16,620	19,562	1,351	4,105	5,247	7,609	2,445	1,798
Siras ..	5,088	20,041	3,284	8,410	5,395	12,672	6,478	2,249
Total ..	81,325	1,10,354	13,752	22,916	47,680	48,836	27,941	8,123

[Hon. Nawab Muzaffar Khan.]

Statement showing remissions of Taqavi for 1931 to 1935 in Hissar District.

FINANCIAL YEAR.

Tahsils.	1931-32.	1932-33.	1933-34.	1934-35.	REMARKS.
	Rs.	Rs.	Rs.	Rs.	
Bhiwani ..	152	..	8,044	1,911	<i>Taqavi remissions are generally not granted by harvests; hence the necessary information has been given by years.</i>
Hansi ..	..	..	..	7,404
Hissar ..	1,035	4,120	1,220	2,035	
Fatehabad ..	2,244	..	2,176	24,502	
Sirsa ..	278	8,623	..	..
Total ..	3,709	12,743	11,440	35,852	

HOUSE BUILDING ADVANCES TO EMPLOYEES OF LOCAL BODIES.

*4745. **Sardar Bahadur Sardar Buta Singh** : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the employees of local bodies in the province have been debarred from house building advances since December 1927, in spite of the fact that the provident fund money of the employees remains in the custody of the local bodies, and the same can serve the purpose of security against any loss ;
- (b) whether it is a fact that the above privilege is still in force for the Government officials though none of their money remains in the custody of Government to serve as security ;
- (c) if replies to (a) and (b) be in the affirmative, the reasons for this differential treatment ;
- (d) in view of the above, whether Government is prepared to reconsider its decision ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a) Yes.

(b) It is within the discretion of Government to grant house-building advances from their pay to Government servants, but their provident fund money, if the Government servants concerned are subscribing to the fund, serves as security in addition to the house and the site which have to be mortgaged to Government.

(c) It has not been considered advisable to permit local bodies, whose financial circumstances cannot be compared with Government's, to give such advances.

(d) No.

REGISTRAR, CO-OPERATIVE SOCIETIES AND THE MANAGER, CENTRAL
CO-OPERATIVE BANK, JULLUNDUR.

***4746. Mr. M. A. Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that the Jullundur Central Co-operative Bank, Limited, Jullundur, unanimously passed a resolution in their general meeting held on 3rd March 1932 to grant a gratuity of Rs. 1,000 to Mr. Fazal-ul-Rahman, Manager of the said bank ;
- (b) whether it is a fact that the Registrar, Co-operative Societies, Punjab, refused to sanction the grant of the gratuity ;
- (c) if so, the reasons for not sanctioning the grant of gratuity ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes.

(c) The Manager has already been most generously treated and the Bank were under no further obligation in the matter.

Mr. M. A. Ghani : In what way ?

The Honourable Nawab Muzaffar Khan : He was given his due and that was considered to be very generous.

REGISTRAR, CO-OPERATIVE SOCIETIES AND THE MANAGER, CENTRAL
CO-OPERATIVE BANK, JULLUNDUR.

***4747. Mr. M. A. Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that Mr. M. L. Darling, I.C.S., late Registrar, Co-operative Societies, Punjab, advised the Directors of the Jullundur Central Co-operative Bank, Limited, Jullundur, to dispense with the services of Mr. Fazal-ul-Rahman, the Manager of the Bank, on account of his having attained the age of 62 years ;
- (b) if so, whether it is a fact that the Directors refused to dispense with the services of Mr. Fazal-ul-Rahman on account of his exceptionally good and meritorious work and on account of there being no age limit for any employee in the bank ;
- (c) whether it is a fact that the late Mr. W. R. Wilson, Registrar, Co-operative Societies, Punjab, again pressed the Directors to act on the advice of Mr. M. L. Darling in retiring Mr. Fazal-ul-Rahman as mentioned above ;
- (d) the reasons for the Registrars' interference in the internal affairs of the Bank and in pressing it to dispense with the services of Mr. Fazal-ul-Rahman ?

The Honourable Sardar Sir Jogendra Singh: It is not in the public interest to disclose advice given by the Registrar or by officers of the Co-operative Department to co-operative institutions in the course of their duties.

TRADE UNIONS.

***4748. Mr. M. A. Ghani:** Will the Honourable Revenue Member be pleased to state the names of the trade unions recognised by the Punjab Government as they stood on the 15th July 1935 ?

The Honourable Nawab Muzaffar Khan: Trade unions do not require to be recognised under the Trade Unions Act. Recognition by Government is only in point in connection with associations of Government servants, which are governed by rules with which the Trade Unions Act has nothing to do and which may or may not be registered under that Act.

Mr. M. A. Ghani: Are there any trade unions in this province registered under the Trade Unions Act which have been recognised by Government ?

The Honourable Nawab Muzaffar Khan: None that I am aware of ; but if the honourable member will give notice I may be able to give a more definite answer.

Mr. M. A. Ghani: Can the Honourable Member give reasons why the Government does not recognise the unions of Government servants registered under the Act ?

The Honourable Nawab Muzaffar Khan: I should require notice of that question.

RULES UNDER THE FACTORIES ACT.

***4749. Mr. M. A. Ghani:** Will the Honourable Revenue Member be pleased to state—

- (a) whether he is aware that His Excellency the Governor-General assented to the Factories Act, 1934 (XXV of 1934) on the 20th August, 1934 ;
- (b) whether he is aware that the Act came into force on the 1st January, 1935 ;
- (c) whether it is a fact that the rules under the Act have not yet been framed and promulgated by the Punjab Government ;
- (d) if so, the reasons for the delay in framing and promulgating the rules ;
- (e) when the rules are likely to be framed and promulgated ?

The Honourable Nawab Muzaffar Khan: (a) and (b) Yes.

(c)—(e) The rules were published for criticism under *Punjab Government Gazette* notification No. 29260, dated the 4th September, 1935.

Mr. M. A. Ghani : In view of the fact that His Excellency the Governor-General gave his assent to the Factories Act on the 20th August, 1934, and the Act was brought into force on the 1st May, 1935, will the Honourable Member please state how it is that the Government did not frame the rules within this period ?

The Honourable Nawab Muzaffar Khan : One has carefully to consider the pros and cons of all the rules.

Mr. M. A. Ghani : Does the Honourable Member mean to say that it took more than a year to consider the rules ?

The Honourable Nawab Muzaffar Khan : Yes.

Mr. M. A. Ghani : Is it a fact or not that the other provincial Governments framed and promulgated the rules by the 1st of January, 1935 ?

The Honourable Nawab Muzaffar Khan : I do not know.

Mr. M. A. Ghani : Is it a fact or not that from the 1st January, 1935, when the Act came into force there were no rules under the Act in this province ?

Mr. President : It is not fair on the part of the honourable member to exercise his right of putting supplementary question for the purpose of cross-examining the Government Member.

Mr. M. A. Ghani : I only want to ascertain why the Government did not frame the rules earlier.

Mr. President : The honourable member is aware, I presume, that supplementary questions can be put only for the purpose of further elucidating any matter of fact regarding which an answer has been given. To ask a question for further elucidating a matter of fact mentioned in the Government Member's answer is one thing and to cross-examine him in detail is another thing.

Mr. M. A. Ghani : I shall ask only one supplementary question. Is it a fact or not that when the Act came into force there were no rules framed under the Act ?

Mr. President : Which matter mentioned in the Honourable Revenue Member's reply has the honourable questioner in view in asking the question ? I appeal to him to conform to the rules.

FACTORIES UNDER THE FACTORIES ACT, 1934.

*4750. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state the names of the premises in the Punjab together with the names of their owners which have been declared as factories under section 5 of the Factories Act, 1934 ?

The Honourable Nawab Muzaffar Khan : A statement showing the names of premises in the Punjab, which have been registered as factories under section 5 of the Factories Act, 1934, together with the names of their "occupiers" is laid on the table. A record of the names of "owners" of factories is not maintained.

[Hon. Nawab Muzaffar Khan.]

Statement showing names of premises registered as factories in the Punjab under section 5 of the Factories Act, 1934, together with the names of their occupiers.

Serial No.	Name of Factory.	Name of occupier.
1	Chandu Lal Jai Deva, Ice Factory, Hissar ..	Chandu Lal Jai Deva.
2	Bahwan Das Hari Ram Cotton Factory, Hissar	Badri Parshad Wasdev
3	Nand Kishore Onkar Mal Cotton Factory, Bhiwani (District Hissar).	Mahadev Das.
4	Onkar Mal Ram Sarup Cotton Factory, Mandi Dabwali (District Hissar).	Ram Sarup.
5	Harakh Chand Ram Kanwar Cotton Factory, Mandi Dabwali (District Hissar).	Mangal Chand.
6	Kheta Mal Tara Chand Cotton Factory, Mandi Dabwali (District Hissar).	Kheta Mal Tara Chand.
7	Sheo Narain Bijrang Lal Cotton Factory, Mandi Adampur (District Hissar).	Sheo Narain Bijrang Lal.
8	Harsukh Das Behari Lal Cotton Factory, Mandi Adampur (District Hissar).	Mohan Lal Lachhi Ram.
9	Bishna Mal Devi Chand Cotton and Flour Factory, Rori (District Hissar).	Bishna Mal Devi Chand.
10	Khetu Mal Ganga Ram Cotton & Flour Factory, Rori (District Hissar).	Ishar Singh.
11	Ram Richhpal Ice Factory, Rohtak ..	Devi Sahai.
12	Faqir Chand & Sons, Cotton Factory, Rohtak ..	Faqir Chand.
13	Lalji Ram Mangli Ram Cotton & Flour Factory, Rohtak.	Mangli Ram.
14	Khalsa Ginning Factory, Kurali (District Ambala)	Beru Ram.
15	Mul Raj Manak Ram Cotton Factory, Raipur Ranika (District Ambala).	Mul Raj Manak Ram.
16	Ram Lal Bhadar Sain Factory, Nurmahal (District Jullundur).	Babu Ram Kesho Ram.
17	Sita Ram Nauhria Mal Cotton & Flour Factory, Nurmahal (District Jullundur).	Bhan Mal Rakha Mal.
18	Pandit Nanak Chand & Sons Factory, Jandiala Manjki (District Jullundur).	Karam Chand.
19	Ram Flour Mills & Cotton Factory, Maloud (District Ludhiana).	Sada Ram Bansi Ram.
20	Dittu Mal Dogar Mal Cotton & Flour Factory, Bhiki Khatra (District Ludhiana).	Hirda Ram Parshotam Das.
21	The Himalaya Ice Factory, Ferozepore Cantonment.	Jagan Nath.
22	Monga Ginning Factory, Abohar (District Ferozepore).	Data Ram.
23	Som Agarwal Cotton Factory, Muktsar (District Ferozepore).	Nathu Ram.
24	Ralla Ram Daulat Ram Cotton and Flour Factory, Giddarbaha (District Ferozepore).	Ralla Ram Daulat Ram.
25	Krishna Cotton Factory, Bhuchu Mandi (District Ferozepore).	Daya Chand Dharam Chand.
26	Sant Ram Nand Lal Cotton Factory, Muktsar (District Ferozepore).	Sant Ram Nand Lal.
27	Jaimat Singh Sardul Singh Cotton Factory, Pattoki (District Lahore).	Jaimat Singh Sardul Singh.
28	M. Aziz Din & Sons Cotton Factory, Wan Radha-Ram (District Lahore).	Mool Chand Kalu Ram.

Serial No.	Name of Factory.	Name of occupier.
29	M. Allah Bux S. Jalal Shah Cotton & Flour Factory, Jambhar Khurd (District Lahore).	Allah-Bux Jalal Shah.
30	Raj Kumar Ioe Factory, Amritsar	Ram Lal Radha Kishen.
31	Khalsa Cotton & Flour Mills, Fatehabad (District Amritsar).	Hardit Singh Dayal Singh-Khazan Singh.
32	Dayal Singh Cotton Factory, Fatehabad (District Amritsar).	Dayal Singh.
33	Ram Lal & Sons Cotton & Rice Factory, Wazirabad (District Gujranwala).	Lachhman Das.
34	Tej Singh Harbans Lal Cotton Factory, Hafizabad (District Gujranwala).	Teja Singh Harbans Lal.
35	Gurbax Mal Baghu Mal Cotton, Rice, Flour and Oil Factory, Nankana Sahib (District Sheikhupura).	Gurbax Mal Baghu Mal.
36	Kishan Gopal Ram Gopal Cotton and Rice Factory, Nankana Sahib (District Sheikhupura).	Bagh Singh Mathra Das.
37	Ram Mal Sham Das Cotton and Rice Factory, Nankana Sahib (District Sheikhupura).	Hussain Bux Muhammad Sharif.
38	Ascharj Cotton Factory, Jhawarian (District Shahpur).	Hari Ram.
39	Coleyana Estate, Limited, Cotton Factory, Coleyana (District Montgomery).	The Coleyana Estate, Ltd., Secretary Col. E. H. Cole.
40	Krishna Ioe and Ginning Factory, Jaranwala (District Lyallpur).	Ram Lal.
41	Jinda Ram Harnam Das Cotton Factory, Jhang	Jinda Ram Harnam Das.
42	Asa Nand Cotton Factory, Bagh (District Jhang)	Asa Nand.
43	Rai Bahadur Girdhari Lal Brij Lal Cotton Factory, Mian Channu (District Multan).	Rai Bahadur Girdhari Lal-Brij Lal.
44	Rup Chand & Company Cotton Factory, Khane-wal (District Multan).	Rup Chand Jassa Ram.
45	Rai Bahadur Mela Ram's Sons Cotton Factory, Kot Mela Ram (District Multan).	Gobind Ram Jhingan.

JOINT DEVELOPMENT BOARD AND THE COTTAGE WEAVING INDUSTRY.

*4751. **Mr. M. A. Ghani**: Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that a weaving sub-committee of the Joint Development Board, Punjab, was constituted by the Punjab Government sometime ago ;
- (b) if so, whether it is a fact that no representative of the cottage weaving industry was nominated on the sub-committee ;
- (c) if the answer to (b) be in the negative, the name of the person who was so nominated ;
- (d) if answer to (b) be in the affirmative, reasons for not nominating a representative of the cottage weaving industry ?

Mr. F. C. Bourne (Secretary, Industries Department) : (a) Yes.

(b) No. A representative of the Weavers' Association, Ludhiana, has been nominated on the sub-committee.

(c) **Mr. Hasam-ud-Din.**

(d) Does not arise.

COTTAGE WEAVING INDUSTRY.

*4752. **Mr. M. A. Ghani**: Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Government of India granted to the Punjab Government Rs. 16,000 last year and Rs. 38,000 this year for the development and uplift of cottage weaving industry in this province ;
- (b) if so, whether he will lay on the table a statement showing how the two sums have been utilized for the development and uplift of the industry in question ;
- (c) whether it is a fact that no one interested in the industry and directly concerned with it was ever consulted as regards the best methods for utilizing the money ;
- (d) if so, reasons for not consulting any one ?

Mr. F. C. Bourne (Secretary, Industries Department): (a) The Government of India have granted Rs. 17,000 for 1934-35 and Rs. 38,000 for 1935-36 for the development of cotton handloom weaving industry.

(b) The expenditure noted below has been incurred—

Recurring.

			Rs.	A.	P.
1.	Pay of establishment (up to August 1935)	..	3,090	11	0
2.	Supplies and Services (up to beginning of September)	..	474	15	3
3.	Contingencies (up to beginning of September)	..	685	0	3
4.	Travelling Allowance (up to August)	..	290	5	0
Total			4,540	15	6

Non-recurring.

1.	Supplies and Services (up to beginning of September)	..	1,636	7	9
2.	Contingencies (up to beginning of September)	..	1,966	1	0
Total			3,652	8	9
Total			8,193	3	3

(c) The matter was discussed in considerable detail at the Sixth Industries Conference held under the auspices of the Government of India which had amongst its members representatives of the textile industry not only from the Punjab, but also from other parts of India.

(d) Does not arise.

STANDING COMMITTEE ON POLICE.

***4753. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) whether a meeting of the Standing Committee on Police has ever been held during the last six years ;
- (b) if the answer to (a) is in the negative, whether the failure on the part of the Department to hold any meeting is due to the fact that no matters of policy or administrative importance arise or that non-official opinion is not required in such matters ; and if the failure is due to any other reasons, what they are ?

The Honourable Mr. D. J. Boyd : (a) No. Notices were actually sent out for a meeting to be held in Simla on the 14th August last, but owing to the pre-occupation of Government with the communal situation in Lahore and the postponement of the Council session which it had been intended to hold in Simla the meeting was subsequently cancelled. A meeting has now been fixed for the 13th November.

(b) There were no special reasons for the failure to call the Committee during the last few years.

CONCILIATION BOARDS UNDER THE PUNJAB RELIEF OF INDEBTEDNESS ACT.

***4754. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state--

- (a) the names of the districts which have been selected for the operation of Conciliation Boards under the Punjab Relief of Indebtedness Act ;
- (b) the names of tahsils in which these Boards will operate ;
- (c) whether in recommending retired officers deputy commissioners consulted in all cases any associations or private individuals in order to ascertain whether the individuals recommended by them had borne an unblemished reputation for honesty during their official careers ;
- (d) whether all deputy commissioners had taken the precaution of consulting any recognised associations or individuals of note in order to make sure that the gentlemen recommended for selection as members of Conciliation Boards were of the calibre calculated to inspire confidence ?

The Honourable Mr. D. J. Boyd : (a) and (b) Up to date orders have been issued establishing Conciliation Boards with jurisdiction in the following four areas :—

- (1) Amritsar district (the whole) ;
- (2) Jhang district (the whole) ;
- (3) Garhshankar tahsil (Hoshiarpur district) ;
- (4) Panipat tahsil (Karnal district).

(c) and (d) Government do not doubt that the deputy commissioners and commissioners concerned took all reasonable steps to satisfy themselves that the gentlemen whose names they proposed to put forward were suitable for the purpose ; and they believe that the appointments finally made have met with general approval.

GRIEVANCES OF HINDU AGRICULTURAL CLASSES.

***4755. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) whether a deputation of the Hindu zamindar members of the Punjab Legislative Council waited upon His Excellency the Governor in March 1932 and represented to him informally the grievances of the Hindu agricultural classes of the province ;
- (b) whether this deputation left written memorandum of the grievances of Hindu zamindars ;
- (c) whether the facts referred to in (a) and (b) were brought to his notice formally or informally, within the last two years with a view to ascertaining if any action was taken in consequence of the representations made by this deputation ;
- (d) whether any action has, as a matter of fact, been taken in pursuance of the action of the Hindu zamindar members of the Council referred to in (a) and (b) or since the reminder referred to in (c) ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) Yes.

(c) Yes.

(d) It was decided that the claims of Hindu, Muslim and Sikh zamindars to be recruited as zamindars should have equal consideration.

REPRESENTATION OF STATUTORY AGRICULTURAL CLASSES IN GOVERNMENT SERVICES.

***4756. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) whether any officer was placed on special duty in regard to the resolution moved by the late lamented Mr. Owen Roberts on the subject of the representation of statutory agricultural classes in Government services ;
- (b) if the answer to (a) be in the affirmative, whether that officer was instructed to ascertain from the representatives of these classes in the House as to where their grievances lay and what means they suggested for the removal of these grievances ;
- (c) whether any leading members of the House were, in any way or to any extent, consulted on the subject by the special officer or by any of the Honourable Members and Ministers ;
- (d) whether this special officer has submitted any report on the subject to the Government ?

The Honourable Mr. D. J. Boyd : (a) No. In accordance with the pledge given by Sir Henry Craik on the 20th February, 1934, those departments of Government in which the percentage of zamindars was less than the proportions prescribed in the resolution of 1919 were addressed and the matter is still under consideration.

(b), (c) and (d) Do not arise.

STATUTORY HINDU AGRICULTURISTS AS SUB-JUDGES.

***4757. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that since the inception of the so-called competitive or semi-competitive test for the selection of sub-judges no statutory Hindu agriculturist has been selected for appointment ;
- (b) whether it is a fact that in order to give a reasonable measure of representation to Muslims, Sikhs and Indian Christians, Government has gone down as low as the 59th, 62nd, 70th and 91st place on the list of successful candidates ;
- (c) whether it is a fact that Indian Christians are only about three lakhs in number while among statutory Hindu agricultural tribes Jats and Rajputs alone are 1½ millions strong ;
- (d) whether it is a fact that statutory Hindu agriculturists are more backward educationally than Indian Christians, Muslims and Sikhs ;
- (e) if Government is unaware of the real situation in respect of (d), whether it will make necessary enquiries from the Honourable Minister for Education or otherwise in order to give a satisfactory answer to this part of the question ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) Yes, so far as Indian Christians are concerned. In the case of Muslims and Sikhs it was in order to secure zamindar candidates of those communities and maintain the required proportion of zamindars and non-zamindars that Government have been from time to time compelled to depart from the order of merit in selecting candidates .

(c) and (d) The honourable member is referred to paragraphs 177, 181, 227 and 239 of the Census Report, 1931, Volume XVII (Part I), a copy of which is in the Council Library.

(e) Does not arise.

STATUTORY AGRICULTURIST SUB-JUDGES.

***4758. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state whether it is a fact that under the definition of " zamindar " adopted in the rules of the High Court relating to the recruitment of sub-judges a Jat, a Rajput, a Gujar, an Ahir, an Awan or an Arain or any member of any notified agricultural tribe residing in an urban area will be regarded as a non-zamindar ?

Mr. F. H. Puckle (Chief Secretary) : A candidate for the post of subordinate judge, who is a member of a notified agricultural tribe, is not normally to be regarded as a " zamindar " unless he can prove to the satisfaction of the deputy commissioner of the district from which he hails, that his father not only resides in a rural area but is a hereditary proprietor or tenure-holder of agricultural land and mainly dependant thereon for his livelihood, or is an actual cultivator of such land.

STATUTORY AGRICULTURIST CLERKS IN THE DEPARTMENT OF
AGRICULTURE.

***4759. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) the number of clerks of any grade recruited by direct appointment in the Department of Agriculture during the last three years ;
(b) the number of Hindus, Muslims and Sikhs and of statutory agriculturists of each denomination among them ?

The Honourable Sardar Sir Jogendra Singh : (a) 27.

(b)

	Agriculturist.	Non-agriculturist.	Total.
Hindus	2	12	14
Muslims	6	4	10
Sikhs	3	..	3
Total	11	16	27

COMMITTEE TO EXAMINE RATES IN THE PUBLIC WORKS DEPARTMENT.

***4760. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that he accepted on behalf of the Government a resolution urging the appointment of a Committee for the purpose of examining the question of rates in the Public Works Department during the last budget session ;
(b) whether any Committee has been appointed so far ; if so, what is its personnel ; and if not, what are the reasons for delay ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) A committee has been formed consisting of the following officials and non-officials :—

- (i) The Chief Engineer, Buildings and Roads Branch.
(ii) Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, C.I.E., M.L.C.
(iii) Khan Bahadur Nawab Chaudhri Fazl Ali, O.B.E., M.L.C.
(iv) Lala Nihal Chand Aggarwal, M.L.C.
(v) Sardar Sahib Sardar Ujjal Singh, M.L.C.
(vi) Rao Bahadur Chaudhri Chhotu Ram, M.L.C.
(vii) Mr. R. Trevor Jones, M.C., I.S.E., Secretary.

FOREST DEPARTMENT, MULTAN.

***4761. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that till recently the six Block officials in the Multan Forest division were of various communities and now the Divisional Forest Officer, Multan Forest division and all the other officers are of the same community ;
- (b) if the answer to the above be in the affirmative, why posts and contracts are being given to the people of one community only to the entire exclusion of other communities ;
- (c) what Government intends to do in the matter ?

The Honourable Nawab Muzaffar Khan : (a) The Divisional Forest Officer and other officers serving in the Multan Forest division are not of one and the same community.

Out of 99 contracts in all 32 are with Muslims, one with Sikhs and 6 with Hindus.

(b) and (c) Do not arise.

FOREST DEPARTMENT, MULTAN.

***4762. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member be pleased to state the number of Hindu and Muslim clerks in the office of the Divisional Forest Officer, Multan, before the present Divisional Forest Officer took charge and what the present ratio of the clerks is in the above mentioned office ?

The Honourable Nawab Muzaffar Khan : When the present Divisional Forest Officer took over charge of the Multan Forest division, his office consisted of 8 Hindu and 2 Muslim clerks. At present he has 4 Hindus and 1 Sikh. Clerks are on provincial list and their postings to divisional offices are made by the Conservator and the Chief Conservator.

AUCTION OF LAND IN KHANEWAL COLONY TOWN.

***4763. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

- (a) the number of times an auction of plots of land was held in the Khanewal colony town ;
- (b) the average price offered per plot at each auction ;
- (c) the money credited to the Government Treasury and the money spent on the improvement of the town out of the sale proceeds ;
- (d) the total number of blocks in the town ;
- (e) the number of blocks already auctioned ;
- (f) the present population of the town ?

The Honourable Nawab Muzaffar Khan : (a) 8 times.

(b) A statement giving the information required is laid on the table.

(c) (i) Rs. 11,45,653.

(ii) Rs. 3,59,882-5-9.

(d) 16.

(e) 7.

(f) 11,205.

Statement.

Serial No.	Year.	Description of sites.	Average price
			per site.
			Rs.
1	19th December, 1918	46 grain market shops	1,235
	Ditto	134 residential sites	355
	Ditto	23 bazar shops	723
2	20th January, 1918	9 grain market shops	882
	Ditto	7 residential sites	288
	Ditto	4 bazar shops	628
3	6th February, 1919	11 grain market shops	6,907
	Ditto	39 residential sites	2,954
	Ditto	13 bazar shops	2,492
4	19th December, 1929	26 bazar shops	2,008
	Ditto	2 grain market shops	3,520
	Ditto	17 residential sites	1,972
5	22nd February, 1922	4 grain market shops	2,249
	Ditto	8 residential sites	816
	Ditto	15 bazar shops	1,214
	Ditto	6 wood market shops	679
6	11th May, 1923 ..	3 grain market shops	3,617
	Ditto	102 residential sites	1,344
	Ditto	15 bazar shops	1,110
	Ditto	8 wood market shops	1,623
7	6th February, 1928	71 residential sites	1,017
	Ditto	36 combined shop and residential sites	3,317
	Ditto	3 wood market shops	1,683
8	16th July, 1934 ..	43 residential sites	979
	Ditto	26 combined shops and residential sites	5,281
	Ditto	1 wood market shop	1,842

SERA AT KHANEWAL.

***4764. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government please state—

(a) whether the Notified Area Committee, Khanewal, has been converted recently into a municipal committee ;

- (b) whether any municipal office has been built there so far ;
- (c) whether the Government *serai* is being used partly as municipal office and partly as police post ;
- (d) whether the Government is prepared to issue orders for the vacation of the *serai* for the use of the public ?

Mr. W. G. Bradford (Secretary, Transferred Departments) : (a) The Notified Area, Khanewal, was converted into a municipality more than 2 years ago.

(b) No.

(c) The building which is now being used partly as municipal office and partly as a police post is not a Government building. It belongs to the committee and was formerly used as a *serai* but its use as such was discontinued in 1929.

(d) No. The question is one for the municipal committee to decide.

BUNGALOW SITES, KHANEWAL.

***4765. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

- (a) the number of plots reserved as bungalow sites according to the lay-out scheme in the Khanewal town ;
- (b) the number of plots allotted already ;
- (c) the number of plots still to be distributed ;
- (d) the names of persons to whom they have been allotted ;
- (e) the names of the persons whose applications are pending and since when ;
- (f) the conditions of this allotment ;
- (g) whether huge heaps of sand are lying on this site which are blown from place to place by the wind in summer ;
- (h) when the Government intends to allot these plots ?

The Honourable Nawab Muzaffar Khan : I regret that the reply to this question is not yet ready.

PASTURE GROUND, KHANEWAL.

***4766. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

- (a) whether any land has been reserved as pasture ground (*charagah*) for the town cattle in Khanewal ;
- (b) whether such lands have been reserved in rural *chaks* in the colony ;
- (c) if not, how Government intends to meet this requirement ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) *Charagah* is reserved in *chaks* allotted to peasant grantees.

(c) No action is proposed, as no reservation has been made for grazing ground for town cattle in any colony town.

SHORT NOTICE QUESTION AND ANSWER.

FINANCIAL ENQUIRY BY NIEMEYER COMMITTEE.

Mr. Muhammad Din Malak : Will the Honourable Finance Member be pleased to state if the Punjab Government propose to invite public opinion on the subject of the financial enquiry to be conducted by Sir Otto Niemeyer so far as it affects this province ?

The Honourable Mr. D. J. Boyd : I should like, with your permission Sir, to answer this question on Thursday, the 31st October. I am sorry I have not got the answer now before me.

UNSTARRED QUESTIONS AND ANSWERS.

MOTOR-TAX.

1215. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to lay a statement on the table showing the amount of motor-tax realised in the Punjab in each quarter of the year 1934-35 separately ?

The Honourable Nawab Muzaffar Khan :

	Rs.	A.	P.
First quarter	1,47,639	10	2
Second quarter	1,34,140	10	0
Third quarter	1,50,807	10	0
Fourth quarter	1,51,233	9	0

SETTLEMENTS FOR RECLAMATION OF CRIMINALS.

1216. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) during the year 1934-35 or during the last financial year for which statistics may be available, how many settlements existed for reclamation of criminals ;
- (b) in what places ;
- (c) the number of criminals in each settlement ;
- (d) the names of the societies or authorities under whose supervision these settlements were ;
- (e) what training or cottage industries were taught at these settlements ;
- (f) whether all the supervisors and officers were paid or whether some were partly paid and some were honorary workers, if so, how many in each settlement were partly paid or were honorary workers ;
- (g) the total cost of maintaining each settlement, and how much of it was met by Government ?

The Honourable Nawab Muzaffar Khan : A statement is annexed, giving the required information in tabular form.

Serial No.	Name of Settlement.	Police Station in which located.	District.	Number of Criminal Tribesmen in the Settlement.	Society or other authority in charge.	Industries taught.	Source from which the supervising staff in each settlement is paid.	The total cost of maintaining each settlement, all met by Government.
1	2	3	4	5	6	7	8	9
1	Reformatory Settlement, Amritsar.	Sadr Amritsar	Amritsar ..	551	Government ..	Bos-twisting, carpentry, weaving, shoe-making, tailoring.	Government ..	Ra. 94,804
2	Reformatory Agricultural Settlement, Chak 21-W. B.	Vihari ..	Multan ..	336	Ditto	Agriculture ..	Ditto	9,517
3	Industrial Settlement, Moghalpura.	Moghalpura ..	Lahore ..	436	Ditto	The inmates are employed in the railway workshops.	Ditto	26,758
4	Industrial Settlement, Chichawatni.	Chichawatni ..	Montgomery	490	Ditto	Thinning, manifelling and re-opening of benches in forests and similar work.	Ditto	7,270
5	Industrial Settlement, Kotla Jinda Ram.	Partoki ..	Lahore ..	386	Ditto	Ditto	Ditto	3,733
6	Industrial Settlement, Shahpur Jand.	Sadr Lyallpur	Lyallpur ..	393	Ditto	Inmates employed in local mills, on labour work, gardening and agriculture.	Ditto	7,561
7	Industrial Settlement, Lyallpur.	Sadr Lyallpur	Lyallpur ..	393	Ditto	Inmates employed in local mills, on labour work, gardening and agriculture.	Ditto	7,561

[Hon. Nawab Muzaffar Khan.]

Serial No.	Name of Settlement.	Police Station in which located.	District.	Number of Criminal Tribesmen in the Settlement.	Society or other authority in charge.	Industries taught.	Sources from which the supervising staff in each settlement is paid.	The total cost of maintaining each settlement, all met by Government.
1	2	3	4	5	6	7	8	9
8	Agricultural Settlement, Kot Mokhal.	Satrah ..	Sialkot ..	292	Ahmediyah Anjuman-i-Ishaat-i-Islam, Lahore.	Agriculture ..	Government ..	Rs. 2,571
9	Agricultural Settlement, Kot Jhandu.	Daska ..	Ditto ..	256	Dev Samsaj, Lahore.	Ditto ..	Ditto ..	4,884
10	Agricultural Settlement, Kot Govindke.	Ditto ..	Ditto ..					
11	Agricultural Settlement, Kot Adhian.	Sidhanwali ..	Sheikhupura ..	767	Salvation Army	Ditto ..	Ditto ..	5,619
12	Agricultural Settlement, Chak 39-3R.	Okara ..	Montgomery ..	473	Anjuman-i-Islamia, Lahore.	Ditto ..	Ditto ..	2,998
13	Agricultural Settlement, Chak 27-2L.	Shahbahar ..	Ditto ..	496	Ahmediyah Anjuman-i-Ishaat-i-Islam, Lahore.	Ditto ..	Ditto ..	2,786

14	Agricultural Settlement, Chak 16-9R.	Tulamba	Multan	629	Government ..	Ditto	Ditto	3,242
15	Agricultural Settlement, Chak 19-9 R(E).	Ditto	Ditto	474	Punjab Hindu Sabha, Lahore.	Ditto	Ditto	3,333
16	Agricultural Settlement, Chak 18-9 R (W).	Ditto	Ditto	692	Arya Fardeshik Prithi na dhi Sabha, Lahore.	Ditto	Ditto	6,853
17	Agricultural Settlement, Chak 53-5L.	Burjwala	Montgomery	651	Sanatan Dharam Sabha, Lahore.	Ditto	Ditto	2,874
18	Agricultural Settlement, Bir Bidalwa.	Nisang	Karnal	173	Ditto	Ditto	Ditto	1,678
19	Agricultural Settlement, Kasowal.	Kasowal	Montgomery	768	Salvation Army	Ditto	Ditto	5,239
20	Agricultural Settlement, Chak 47-3R.	Okara	Ditto	385	Government ..	Ditto	Ditto	3,924
21	Agricultural Settlement, Chak 91-10R.	Khanewal	Multan	207	A h m e d i y a Community.	Ditto	Ditto	2,297
22	Agricultural Settlement, Chak 109-9L.	Dera Rahim	Montgomery	566	Government ..	Ditto	Ditto	4,497
23	Agricultural Settlement, Bir Thehbari.	Rajaund	Karnal	342	Ditto	Ditto	Ditto	2,851
24	Agricultural Settlement, Kot Mandianwala.	Sadr Sialkot	Sialkot	327	Ditto	Ditto	Ditto	2,494
25	Agricultural Settlement, Chak 23-W. B.	Vihari	Multan	931	Ditto	Ditto	Ditto	3,820
26	Agricultural Settlement, Chak 19-W. B.	Ditto	Ditto	776	Ditto	Ditto	Ditto	4,413

RELIGIOUS DEBATE BETWEEN AHMADIYYA COMMUNITIES, RAWALPINDI.

1217. Chaudhri Asadullah Khan : Will the Honourable Finance Member please state—

- (a) whether it has been brought to his notice that as a result of a challenge issued by members of the Anjuman Ahmadiyya Ishaq Islam of Rawalpindi to members of the Ahmadiyya community at that place, a religious debate between them was arranged to take place at Rawalpindi from 12th to 15th May, 1935 ;
- (b) whether it is a fact that the Deputy Commissioner, Rawalpindi, issued orders to stop the proposed meeting ;
- (c) whether the notice under section 144, Criminal Procedure Code, was served on both the parties or on one only ;
- (d) whether it is a fact that the Deputy Commissioner, Rawalpindi, refused to supply a copy of the order referred to in (b) above to the Ahmadiyya community which applied for a copy of the order ;
- (e) whether Government proposes to take any action in the matter ?

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

(b) Yes ; in the interest of preservation of public peace in Rawalpindi.

(c) The notice under section 144, Criminal Procedure Code, prohibiting the debate between Ahmadis of Qadian and their opponents in Rawalpindi, was issued to the Ahmadis of Qadian and not their opponents because the former were the organizers of the proposed debate.

(d) No ; the Deputy Commissioner, Rawalpindi, refused to supply a copy of the confidential instructions issued by him to the Superintendent of Police, Rawalpindi, in regard to the enforcement of the notice under section 144, Criminal Procedure Code.

(e) No.

RULES FOR THE RECOGNITION OF TRADE UNIONS.

1218. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a copy of the rules for the recognition of trade unions in the Punjab ?

The Honourable Nawab Muzaffar Khan : There are no such rules.

MOSQUES AND TEMPLES.

1219. Shrimati Lekhwati Jain : Will the Honourable Minister for Education please state—

- (a) the names and situation of those mosques which have been used as such in the past but are at present not in the possession of the Muslims ;
- (b) whether the Muslim community have ever laid claims in the past to the restoration of mosques that have passed into the possession of other communities ;

- (c) when and how such mosques passed into the hands of the present occupiers ;
- (d) whether there are any Hindu or Jain temples in the possession of Muslims ; if so, how they were taken by them and whether they are used for purposes other than Hindu worship ?

The Honourable Malik Sir Firoz Khan Noon : It is not in the public interest to hold a province-wide enquiry of this nature as it is not likely to achieve any result except to raise communal tension. The law of the land secures to every individual full enjoyment of his prosperity and with this every one should remain contented.

SALE OF LIQUOR IN SADHAURA.

1220. Shrimati Lekhwati Jain : Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the sale of liquor has been prohibited under section 5 of the Local Option Act, V of 1928, from 1st April, 1935, in Sadhaura, district Ambala ;
- (b) if so, whether a licence has been auctioned and a liquor shop established just adjacent to the municipal limits and within the revenue area of Sadhaura ;
- (c) how far the present liquor shop is situated from the previous liquor shop of 1934 and what its minimum distance is from the inhabited parts of Sadhaura ;
- (d) whether he has received any complaints from the residents of Sadhaura to this effect ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Yes.

(c) The present liquor shop is situated at a distance of about 340 yards from the previous shop. It is at about 400 yards from the inhabited parts of Sadhaura.

(d) No. Not from the residents of Sadhaura.

SLAUGHTER HOUSE NEAR KRISHAN NAGAR, LAHORE.

1221. Rai Bahadur Mr. Mukand Lal Puri : Will the Honourable Minister for Local Self-Government please state—

- (a) whether Government is aware that there is a slaughter house very close to the thickly populated *abadi* of Krishan Nagar and Sanda Road and that the Municipal Committee of Lahore has not taken any effective steps to remove it to a suitable locality in spite of repeated representations on the subject ;
- (b) if so, what steps it proposes to take to remove this grievance of the inhabitants of Krishan Nagar and Sanda Road, Lahore ?

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

(b) The matter is under consideration.

DEPARTMENTAL REPORTS OF THE PUNJAB GOVERNMENT.

1222. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a comparative statement showing the names of the various annual and occasional Departmental Reports published by the Punjab Government and their prices together with the names of the analogous reports published by the Government of India and other Provincial Governments and their prices, if the information regarding the latter is available ?

The Honourable Nawab Muzaffar Khan : A list of Departmental Reports published and stocked for sale at the Government Book Depot is appended together with prices noted against each.

Analogous reports published by the Government of India and other Provincial Governments are not available in the Book Depot.

List showing the names of departmental reports published and stocked at the Government Book Depot for sale.

Serial No.	Name.	Cost.	REMARKS.
		RS. A. P.	
1	Report on the Administration of the Legal Affairs in the Punjab, 1933.	0 15 0	
2	Report on the Court of Wards in the Punjab for the year ending 30th September, 1933.	3 0 0	
3	Report on the Administration of Civil Justice in the Punjab for 1933.	1 8 0	
4	Report on the Administration of Criminal Justice for 1933.	1 2 0	
5	Punjab Administration Report for 1932-33	2 8 0	
6	Report on the Police Administration for 1933	2 4 0	
7	Report of the Committee on Public Accounts of the Punjab Legislative Council on the Appropriation account of 1932-33.	1 8 0	
8	Report on the operations of the Department of Agriculture for the year ending 30th June, 1934.	1 6 0	
9	Season and Crop Report for the year ending 30th June, 1934.	3 4 0	
10	Report of the Central Museum for 1933-34	2 8 0	
11	Report on the progress of Education for the year 1933-34.	2 8 0	
12	Report on the Department of Industries for the year ending 31st March, 1934.	1 4 0	

List showing the names of departmental reports published and stocked at the Government Book Depot for sale—contd.

Serial No.	Name.	Cost.	REMARKS.
		Rs. A. P.	
13	Report on the Working of Indian Trade Unions Act 26 for the year 1933-34.	0 12 0	
14	Report on the working of Indian Factories Act for the year 1933.	2 6 0	
15	Report on the operations of the Department of Land Records for the year ending 30th September, 1934.	0 9 0	
16	Note on the Stamp Statements of the Punjab for the year 1933-34.	0 10 0	
17	Land Revenue Administration Report for the year ending 30th September, 1933.	3 8 0	
18	Report on the Excise Administration for 1933-34 ..	3 12 0	
19	Report on the Administration of the Registration Department for 1933.	1 2 0	
20	Public Works Department, Buildings and Roads Branch, Administration Report incorporating the report of the Communications Board for the year 1933-34.	7 0 0	
21	Punjab Public Works Department, Hydro-Electric Branch, Administration Report 1933-34.	1 12 0	
22	Report on the Administration of the Indian Electricity Act for 1933.	0 7 0	
23	Report on the working of District Boards in the Punjab for 1933-34.	3 6 0	
24	Report on the working of Municipalities in the Punjab for the year 1932-33.	17 0 0	
25	Report on the working of Small Towns in the Punjab for 1932-33.	3 0 0	
26	Report on the working of Panchayats in the Punjab for 1932-33.	11 0 0	
27	Report on the Chemical Examiner to Government, Punjab, for 1934.	0 11 0	
28	Report on the working of Hospitals and Dispensaries in the Punjab for 1933.	10 4 0	
29	Report on the working of Mental Hospital in the Punjab for 1933.	1 2 0	
30	Punjab Public Health Administration Report for the year 1933-34.	7 12 0	
31	Report on the Administration of the Jails in the Punjab for 1933.	3 8 0	

[Hon. Nawab Muzaffar Khan.]

List showing the names of Departmental reports published and stocked at the Government Book Depot for sale—concluded.

Serial No.	Name.	Cost.	REMARKS.
32	Annual Report of the Reclamation Department for 1933.	0 5 0	
33	Report on the Forest Administration in the Punjab for 1932-33.	3 12 0	
34	Report on the working of the Co-operative Societies in the Punjab for the year ending 31st July, 1933.	2 12 0	
35	Report on the Civil Veterinary Department, Punjab for 1932-33.	2 0 0	
36	Punjab Public Works Department, Irrigation Branch, Administration Report for the year 1932-33.	20 0 0	
37	Reports on the Regular Wages Survey of the Punjab for 1932.	1 2 0	

LEAVE RESERVE IN DEPUTY COMMISSIONER'S OFFICE; ROHTAK.

1223. Chaudhri Ram Sarup : Will the Honourable Revenue Member kindly state—

- (a) how many leave reserves are kept in the Deputy Commissioner's office, Rohtak ;
- (b) what their functions are ;
- (c) whether it is a fact that they are kept only for filling the vacancies of men who go on leave ;
- (d) whether they were given any chance in 1934-35 to fill up the leave vacancies ; if so, how many of them ?

The Honourable Nawab Muzaffar Khan : (a) Seven.

(b) The leave reserve apprentices are employed for filling leave vacancies ; when free they are employed to assist any officials who are heavily worked at the time.

(c) Yes.

(d) Yes ; all.

SUBORDINATES IN DEPUTY COMMISSIONER'S OFFICE, ROHTAK.

1224. Chaudhri Ram Sarup : Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that no subordinate in the office of the Deputy Commissioner, Rohtak, is allowed to see the Deputy Commissioner, without the permission of the head of the branch in which the subordinate is serving ;

(b) if the answer to the above be in the affirmative, what are the reasons for this prohibition ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

THE PUNJAB DEBTORS' PROTECTION BILL.

Mr. President : The Council will resume discussion on the motion of Rao Bahadur Chaudhri Chhotu Ram.

That the Punjab Debtors' Protection Bill be referred to a Select Committee.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) : I rise to oppose the motion before the House. This legislation following just in the wake of the Punjab Relief of Indebtedness Act 1934 which came into force in April 1935 will have a very bad effect upon the rural peasants. As is well known, the Punjab agriculturist will soon be put into a difficult position and he will have to sell his land to bigger landlords and the smaller fishes will be swallowed up by bigger ones and the peasant proprietors will soon be extinguished. I would therefore ask the House to take this view of the matter into consideration and examine the working of the Relief of Indebtedness Act for some time and then if they find that that Act does not give sufficient relief to the debtors then another Bill can be brought up. The mover of the Bill has conveniently omitted to make a reference to the opinion of the Financial Commissioner, Development, who is the man who is in constant touch with the peasant proprietors and who cannot be accused of being partial to the money lending class even. He says :

Generally speaking, this legislation is superfluous in view of the existing Acts already in force on the subject, namely—

The Usurious Loans Act, 1918,

The Punjab Regulation of Accounts Act, 1930, and

The Punjab Relief of Indebtedness Act, 1934.

As a matter of principle it would appear desirable to await the result of the Punjab Relief of Indebtedness Act.....The Bill appears to contain a series of drastic and far from impartial provisions designed apparently to fortify the indebted classes, who are already exceptionally favoured by recent enactments, in resisting the claims of their creditors.....The Financial Commissioner, Development, thinks that in view of the very indefinite nature of the present proposals, this fresh attempt at a very questionable piece of legislation should not be supported. These sections are in fact merely part and parcel of a general offensive, which the mover evidently wishes to set in motion against the rural creditor. Even if it is successful, the effect so far as can be observed will be equally damaging to the debtor class. Without credit the Punjab agriculturist will soon reach the end of his resources. The money-lender on the other hand will not be ruined by legislative measures of this kind, but divert his resources elsewhere. The result may be merely to suspend the working of the economic system in rural areas, however antiquated that system may be, and arrest the march of progress indefinitely.

The Registrar, Co-operative Societies, has also given his opinion and the Punjab Chamber of Commerce has discussed this Bill and their opinions also deserve great consideration at the hands of this Council. By section 4 of this Bill a sweeping change in the law is sought to be enforced. If this clause is enacted any person owning agricultural land would be exempt from the attachment of his land, even if he follows personal law, either the Hindu

[L. Chetan Anand.]

law or the Muhammadan law. (*Rao Bahadur Chaudhri Chhotu Ram* : We do not follow these things; we follow the customs in this province). There is no question of customary law. Clause 4 of the Bill says :

Notwithstanding anything to the contrary contained in any other enactment for the time being in force, ancestral property in the hands of an heir shall not be liable to attachment in the execution of a decree relating to a debt incurred by his predecessor in interest.

There is no reservation made whether he follows the customary law or personal case law. It equally applies in the case of a person who follows the Hindu law where it is his pious duty to discharge the debts of his ancestors. Clause 5 also makes great inroads on the rights of the creditors.

Pir Akbar Ali : On a point of order. Are the various clauses of the Bill under discussion or only general discussion is going on now? My honourable friend is discussing the clauses.

Lala Chetan Anand : I am discussing the principles of the Bill by saying that the principle underlying these clauses is unjust. Already when standing crops are attached provision is made for the requirement of the payment of revenue and also the needs of the debtor. The exemption of standing crops and trees altogether would make it very troublesome for the creditor to realise his amount.

Again in clause 7 a great sweeping change is also sought to be made. A dishonest debtor by evading execution of a decree for a number of years would not have to pay anything as the wording says that no execution would be continued after six years. This is also unwholesome. Again in clause 8 a change is sought to be made in the Regulation of Accounts Act. No data has been placed before the Council by the mover as regards the working of this Regulation of Accounts Act to show that it has not been followed or that it has not helped the debtor. Therefore I submit that all the clauses of the Bill are great inroads on the rights of people and this motion ought therefore to be rejected.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*) : Now that the Relief of Indebtedness Bill has been placed permanently on the statute book, I do not think that it is necessary to move this Bill at all. The honourable members of this House are aware that the passage of the Relief of Indebtedness Bill has made the realisation of the debts of the sahkars impossible. (*Pir Akbar Ali* : Question) When the sahkars go to press for the payment of their dues they are dismissed with this answer by their debtors that after the passage of the Relief of Indebtedness Bill it is not necessary for them to pay their dues. (*Mr. M. A. Ghani* : Question) I shall ask a simple question from Rao Bahadur Chaudhri Chhotu Ram. Why did he not make efforts to change the Relief of Indebtedness Bill with a view to providing further protection for the debtors of this province, if any protection was at all needed, when that Bill was referred to a select committee? But when he thought that neither the members of that committee nor the Government were prepared to accede to his demands he dropped the idea for the time being. I ask him, what hopes has he now that his Bill will meet with the approval of every section of this House? I want to urge that this Bill does not deserve a reference to

the select committee. The Government must have realised this, I hope, if they are prepared to take a lesson from the history of the Relief of Indebtedness Bill. I, for one, cannot appreciate the attitude of the Government. On the one hand it is trying to check the growth of socialism in this country by passing black laws like the Criminal Law Amendment Act and on the other it is out to help the passage of such laws which are sure to pave the way for the progress of such subversive creeds. We all know that after the enforcement of the Relief of Indebtedness Act many debtors' associations have been organised in villages which are actively preaching the gospel of socialism. The workers of these associations exhort people to refuse the payment of their dues to the sahkars. They say, "We are not prepared to pay a pie out of our debts. The distinction between the rich and the poor must vanish; all capital in the country should be equally divided." The Government should think a good deal before lending support to this measure. I have grave fears that if such bills are allowed to be passed in this Council in such quick succession such things must happen in this country which the Government is desirous of checking. The Government is not unaware of the great changes which have taken place in the province in the possession of the landed property as a logical consequence of the enforcement of the Relief of Indebtedness Act. For instance, the zamindars are reclaiming those lands which were in the possession of the sahkars by virtue of tenancy rights. They are forcibly ejecting the tenants and neither the police nor other authorities come to the help of the sahkars. I say, if the principle of "might is right" is encouraged any longer in a similar way, its consequences will be disastrous both for the Government and the people. I want to ask, has not the Government fully known the consequences of the enforcement of the Relief of Indebtedness Act so far? If it has, then it should abstain from lending its support to the Bill moved by Rao Bahadur Chaudhri Chhotu Ram. Yesterday the learned Chaudhri Sahib said in his speech that very few opinions against his Bill had been received, and therefore it should be referred to a select committee. The Government as well as this House are aware that last time when the Relief of Indebtedness Bill was circulated for eliciting public opinion, innumerable opinions were submitted to the Council office against that Bill. But in spite of all those opinions it was passed into law. This is why the people have not cared to submit their opinions, hence the receipt of very few opinions on the present Bill. I think the intelligent section of the people thought that as the Bill was sure to be passed by the Council they need not waste so much paper and ink for submitting their opinion. Last time many learned sub-judges and district judges gave their opinions against the Indebtedness Bill, but in spite of all that the Bill was passed. Therefore the thoughtful people of the province have treated the circulation of Chaudhri Sahib's Bill with indifference. It is significant to note that many people who submitted opinions against the last Bill have submitted no opinion whatsoever on the present Bill. This is a further confirmation of my statement. Again he said that it was resolved in the Zamindars Conference that this Bill should be passed. But the learned Rao Bahadur knows in what terms the President of the Conference put this resolution before the Conference. He said that the zamindars had borrowed from the sahkars in order to loyally pay the land revenue to the Government. They were loyal to the Government, so they borrowed money from the sahkars

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to meet their obligations to the Government. Is it fair, I ask, on the part of the zamindars now to be disloyal to the sahukars who saved them from imprisonment and from incurring the displeasure of the benign Government, by giving them money? I appeal to their sense of honour that they should not devise means of evading the payment of those debts which they incurred to save their honour. After all, you can lay no blame at the door of the sahukar. He came to your help when both your loyalty and honour were in danger. You were about to be deprived of your fair name by being put into the prison for failing to pay your dues to the Government, and he rendered you help like a good friend. Do not be his foe now that your danger is over. This will not be honourable.

A funny argument was put forward by a member in the Lyallpur Zamindara Conference. He said, the zamindars had borrowed money from the sahukars in order to purchase lands. Now the lands are not so dear as they were at the time when they borrowed money; it is therefore very difficult for the zamindars to pay up the debts of the sahukars. But he should not overlook the fact that the price of land has not decreased on account of any fault of the sahukar; therefore he should not be made to suffer for a decrease in the price of landed property. Moreover, the zamindar either purchased land from the Government or from his fellow-zamindars. The sahukar did not gain anything from this transaction. He advanced you money and money he claims back. You cannot reasonably refuse repayment. As I have said these lands were not purchased from the sahukars. They were either purchased from the Government or from the zamindars themselves and if the prices of these lands have now gone down, there is no reason why the sahukars should be made to suffer for that. Is this the reward that you propose to offer to the sahukars who, by advancing loans to the zamindars, enabled the zamindars to have a permanent means of livelihood? It is a pity that those very people who at one time were considered to be the benefactors of the zamindars and who were flattered and cajoled into advancing loans, should now be denied all facilities to recover the loans that they liberally advanced to their fellow-beings to enable them to stand on their legs. This Bill and other similar legislations that have already been passed are clearly meant to make it impossible for the sahukars to get back their money. It is, to say the least, injustice, pure and simple. I am aware that many of the members of this Council are not in sympathy with this Bill that is now under discussion. I should say that 90 per cent. of these members desire that the Debtors' Protection Bill should not be placed on the statute book. But the difficulty is that the elections for the future Punjab Assembly are drawing very near and none of these members dare oppose this Bill for fear of incurring the displeasure of their voters, although in their heart of hearts they do not like to support it. I know that many of them want to wait and see the effects that the Relief of Indebtedness Act will produce in the province. They would very much like to see whether that Act will be conducive to the peace of the province or whether it will create dissatisfaction and discontent among the public at large. But, as I have said, they dare not wait till that time. They dare not oppose this Bill because they know that when

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seeking elections for the future Assembly, they will find it very hard to persuade their voters to vote for them in case they opposed this Bill now.

Chaudhri Ram Sarup : If that is the case, it will not then be wrong to say that the lady member is also opposing this Bill as an election propaganda.

Shrimati Lekhwati Jain : But I would appeal to the members of the Council that they should not be guided by that feeling. The right attitude is that they should do what is just and right. They should all unite to throw out this Bill if not for any other reason, at least for maintaining peace and order in the province.

I should now like to say a few words with regard to some of the clauses of the Bill and the principles embodied therein. In one of the clauses of the Bill it has been laid down that the collector shall decide the period of alienation of a land ordered by the civil court to be attached and alienated temporarily in execution of a decree. It means that it is proposed to give the powers at present vested in the civil courts to the collectors. Not only that. The collector, according to another clause, shall be required to make enquiries in order to find out the income that that piece of land yields and if, in his opinion, the income from that land will be sufficient only to maintain the debtor and his family, he will have to exempt that land from temporary alienation. Now it is clear as daylight that in order to get his lands exempted from temporary alienation, every debtor will be able to find any number of excuses and if need be he will produce any number of witnesses to prove his statements. Even if a debtor is the master of many squares of land, he will try to see that his lands are not alienated to satisfy the decree passed against him. He will say that he is the father of about a dozen children some of whom always remain ill and that he has to pay a heavy bill every month to the doctor. He will further say that his wife, on account of some physical infirmity, cannot attend to her domestic duties and for that reason he has to engage one or two servants to attend to those duties. In short he will be able to show to the collector concerned that all the income that he gets from so many squares of land hardly suffices to cover his own expenses and on that ground he will say that no part of his lands should be alienated temporarily in execution of a decree passed against him. In the circumstances I shall not be wrong if I say that no land will be given on temporary lease in future and the sahkars will be deprived of the only means of recovering their loans. I really fail to understand why this power of deciding whether a land should be alienated or not in execution of a decree, should be sought to be transferred to the collectors. I am inclined to think that the honourable Leader of the Unionist Party is not favourably disposed towards the civil courts. Otherwise there is no reason why the civil courts should be deprived of this power which is vested in them at present. I am not a lawyer myself, but I learn from my husband who is a lawyer that there is not much work in the civil courts in these days. And if this power is also taken away from them and transferred to the collectors as it is proposed in the Bill, the civil courts will have very little work to do. I would request the honourable Chaudhri Sahib to propose at the same time that the posts of some of the sub-judges should be abolished so that some saving may be effected in an item of expenditure of the Government.

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In another clause of this Bill it has been laid down that the ancestral property in the hands of an heir shall not be liable to attachment in the execution of a decree relating to a debt incurred by his predecessor in interest. To say the least it is too harsh a provision. I would like to ask the honourable Chaudhri Sahib how he can reconcile this provision with the remarks that he made while opposing the Anti-Beggary Bill that I wanted to introduce in the Council. He will remember that he said on that occasion that begging is allowed in the Hindu religion. It appears from what he said at that time that he strictly follows all the religious injunctions. If that is so, I would like to ask another question from the honourable member whether it is also not one of the injunctions of Hindu religion that the debts incurred by the father must be liquidated by his sons. He perhaps knows that we Hindus want to be blessed with sons for this reason also, that is, that they should be able to pay off any debts that may have been incurred by their fathers. It is the last thing that a Hindu wants to be said about him even after his death that he died without clearing off his debts. It is the moral side of the question. Even justice and equity demand that a son must pay off the debts incurred by his father at least to the extent of the value of the property inherited by him. I need not say that if this Bill is passed with this clause in it, it will be impossible for the sahu-kars to recover the loans advanced to the zamindars particularly when in the presence of other laws already passed a debtor is neither to be arrested, nor his lands are to be attached and sold in execution of a decree. I am inclined to think that bit by bit every facility is being denied to the sahu-kars to get back their money. It is like cutting an animal by inches. If you want to annihilate the sahu-kars and if you are tired of their existence, kill them outright and also kill the profession that they follow. To achieve that end it would have been better if the honourable Chaudhri Sahib and his party had supported the amendments that I gave notice of in connection with the Relief of Indebtedness Bill when it was being considered by the Council. The House will remember that I proposed by means of those amendments that taking and also giving of loans should be made punishable. If the Unionist Party had supported those amendments, much of the time of the Council would have been saved and also the honourable Chaudhri Sahib would not have had to worry about these Bills. But it appears that the honourable Chaudhri Sahib and his party take delight in killing a man by inches. To reduce the time limit from 12 years to six years as has been proposed in another clause of this Bill is like creating another difficulty in the way of realisation of debts due from the zamindars. But the climax is reached when we find in this very Bill that it has been laid down that it will be compulsory for the money-lenders to apply for licences to follow this profession of money-lending. It means that no sahu-kar will be able to do money-lending without having a licence from the authorities who will have the power to refuse it or cancel it any time after it has been granted. The honourable Chaudhri Sahib is very fond of imposing all kinds of restrictions so far as sahu-kars are concerned. Why is it that it has never occurred to him to impose certain restrictions on his own class of people, that is, the debtors? Why should he not ask the Government to make it compulsory for the debtors to apply for loans through

the deputy commissioners who should be empowered to refuse such applications on finding that the loan asked for is not being taken for any legitimate purpose? If such a provision is inserted in the Bill, it will help the debtors and also save much of the botheration to the courts. There are one or two other absurd provisions in the Bill to which I would like to make a passing reference. It is against all canons of justice to ask a creditor, to prove that the consideration entered in that document actually passed. I shall be content by saying about this that it is absurd on the face of it. Then the trees and standing crops are being exempted from attachment in execution of a decree. I wonder what is being left for the sahkars in order to recover the debts. All these provisions in this Bill are obviously intended to do harm to the sahkars who equally deserve our protection along with any other class of His Majesty's subjects. I, therefore have no other alternative but to oppose this motion for reference of the Bill to a select committee. I am sure that the Government will also oppose this Bill, the Government which must have realised by now that the socialists are making use of another Bill of the same nature already passed for their propaganda.

Rai Bahadur Lala Sewak Ram (Multan division, non-Muhammadan, Rural): Honourable Members who have read the opinions on the Punjab Debtors' Protection Bill will come to the conclusion that the Bill is not a fit one to be committed to the select committee. I will only quote a few important opinions although I think that most of the opinions are either entirely against the Bill or have criticised its provisions in such a manner that such opinions should be considered as against the Bill. After reading the opinions received, I would submit to Government members that it will be an absolute waste of time for the Bill to be committed to a select committee.

I begin with the opinion of the Assistant Legal Remembrancer (Conveyancing). This is what he says:

The Bill is too drastic and requires revision of most clauses.

The Assistant Legal Remembrancer (Legislation) says:

I am afraid the author of the Bill has overstepped the limits. Poor and ignorant debtors should be saved from the clutches of fraudulent creditors, but this does not mean that all creditors should be put absolutely beyond the pale.

I am leaving out unimportant opinions and quoting only the important ones. The Commissioner, Rawalpindi division, says:

With regard to this matter I am of the opinion that the existing law affords sufficient protection to members of agricultural classes and I would not advocate any extension of this principle. A considerable additional burden will be imposed on the revenue staff and litigants would be involved unnecessarily in a great deal of trouble since the Collectors and Commissioners are often on tour, whereas the civil courts are stationary.

I am not going into the clauses of the Bill at this moment. The Deputy Commissioner, Attock, says:

In so far as the question of the present Bill, it appears to me largely to be an attempt to re-introduce the original clauses which were omitted when the Punjab Relief of Indebtedness Act was finally passed.

The Deputy Commissioner, Mianwali, says:

The Bar Association consider that the Bill is a retrograde and iniquitous piece of legislation and the Public Prosecutor agrees with the Bar Association.

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The Commissioner, Jullundur division, says :

I doubt the advisability of a system whereby there will be two independent bodies, the civil court and the collector, exercising jurisdiction in the same matter.

This is what the Commissioner, Multan division, says :

It follows that I would support reasonably drafted and just legislation which would secure these ends. I greatly regret that I can find no trace of justice or of sound sense in any of the provisions of the Bill now presented.

The Deputy Commissioner, Montgomery, says :

The Civil Procedure Code and the Land Alienation Act already provide sufficient safeguards in this respect and I think it is undesirable to provide any further safeguards.

The Deputy Commissioner, Lyallpur, says :

Looking at the Act as a whole, it appears that its author's intention is to prevent any moneylending in the province. If that is his intention, then I consider that the Act will undoubtedly fulfil the purpose. Section 4 interferes with the customs thousands of years old that a son is morally responsible for his father's lawful debts and I can only surmise that the effect of this provision will be to stop all lending whatsoever. In a normal village relations between zamindars and money-lenders are usually good. That might not be the case in the part of the Punjab to which the member sponsoring the Bill belongs, but that is no reason why he should attempt to stir up trouble between the two classes whose relations in other parts of the province, as far as I know, have been quite good.

The Deputy Commissioner, Multan, says :

Any attempt to give more work to the Collector, should, in my view, be resisted on principle.

Then, the Deputy Commissioner, Amritsar, says :

I consider it inexpedient that the Punjab Debtors' Protection Bill should pass into law in the near future.

The Deputy Commissioner, Gurdaspur, says :

The proposed legislation will not meet the ends for which it is proposed.

The opinion of the Deputy Commissioner, Gujranwala, reads :

While I have very considerably sympathy with the agriculturists, especially at the present time of depression, I think on the whole I am not in favour of this Bill.

In this way I could go on adding to the quotations. Most of the people who have given their opinions have expressed themselves against the Bill. Under these circumstances, I ask, what will be the use of committing it to a select committee? And a select committee consisting of thirteen members out of whom with the exception of the Honourable Mr. Boyd and the Honourable the Legal Remembrancer, all are agriculturists, the Honourable Member Sardar Ujjal Singh being in my opinion a semi-agriculturist. What justice can we expect from the members of the select committee, what reason is there to hope that they would make any alteration in the Bill on the side of justice? Can I expect any justice from the Honourable Member Pir Akbar Ali, or can I expect any justice from the Honourable Member Thakur Pancham Chand? I cannot go on mentioning each individual member of the committee lest I should be charged with imputing motives to any. But I only name a couple of members on the committee who are in season and out of season expressing themselves against the non-agriculturist

tribes. What is the good of putting such members on the select committee and then saying that the Bill has passed through a select committee? It will emerge out of the committee just as it goes to it. It would be better to move even now that the Bill be passed into law. Probably it will be passed into law, considering the state of the House to-day, even if the Government were to remain neutral. The honourable member from Rohtak can have the Bill passed into law. He can similarly get it through the select committee as it is constituted. A select committee if it should serve its purpose should consist of representatives of all shades of opinion. I hear honourable members saying that some members who were proposed have refused to serve on the committee. But I say that even if they had agreed they would only be two among eleven others. You should have a majority of those who are non-agriculturists on the select committee, for it is then that the Bill could be thrashed out in all its details. As it is, there are only two stalwarts from whom I am glad to say justice can be expected, I mean the Honourable the Leader of the House and the Legal Remembrancer with his knowledge of law. They may, in all good conscience, see that such a stupid measure is not enacted. I call it stupid because the moment you see the different sections of the Bill you will yourself come to that conclusion, if you bring to bear on its consideration any sense of justice, equity and good conscience. If it is the honourable member's intention that with a thumping majority at his back consisting as it does mostly of agriculturists he can pass any legislation through the House, then he may have it so. There are already several pieces of legislation and this will add one more to that list. Even the last legislation passed by this Council—the Relief of Indebtedness Act—is quite enough because after all there will be no money-lending business left at all. But I do not feel sorry to see that money-lending business is being killed. The debtors must not be dishonest, they must discharge their debts honestly. They can say: we cannot afford to pay so much; we can only pay two annas in the rupee; please forego the rest. You can do anything of that sort. Or else if the Government so choose, it can pass a legislation to the effect: "We hereby enact in this Council that all the debts are hereby wiped off." Why should you make the people undergo such a lot of litigation? The money-lenders have to go to civil courts as well as revenue courts. (*An honourable member*: That is the existing practice: we want to curtail it). This is not curtailment. These things are useless. Every day a new legislation comes before this House which goes to embitter the feelings of the two communities. Looking at the census you will find that the agriculturists in the Punjab and the non-agriculturists are nearly half and half (*An honourable member*: No.) It is a different matter that by some method of election the majority of members of the House are agriculturists and the fate of the province has been put in their hands. I do hope that they will not be so selfish as to enact such laws from time to time and to embitter the feelings outside because if feelings are embittered outside it will not be good for the province. I will not go into each clause but one clause says that the father's heirs will not be responsible for the debt of the father. In the case of this section there is a complete dishonesty on the part of the agriculturists to pay off their debts. As regards the other sections I have no doubt that modifications will be made and I will go into them later, but I submit that this Bill as it is should not be committed to the select committee. If the honourable member wipes

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off such clauses that are not at all fit for committal, he can bring again after three months in the next session such a Bill which could be submitted to a select committee.

Chaudhri Muhammad Abdu Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I had no intention to speak on the Bill at this stage because we will have ample time to consider it after it emerges out of the select committee. At present I have stood up to speak because I have been constrained to do so by the speeches of Lala Bhagat Ram and Shrimati Lekhwati Jain. The lady member on the one hand expressed sympathy with the zamindars and on the other she tried to support those who try to suck the blood of the zamindars. It has been repeatedly urged by these honourable members that the Bill aims at complete extirpation of sahkars. Nowhere in the Bill is it stated that the loans advanced by the sahkars should not be paid back. The Bill aims at bringing under control those sahkars who are dishonest and keep no accounts. The Bill is a sort of an attempt at controlling and regulating the conduct of those sahkars who deceive the zamindars. There are sahkars who charge interest according to a year which consists of more than 12 months. If a debtor borrows on the 1st of a month then he is charged interest for the whole of that month. Again if he returns that loan on the first of a month he is charged interest for the remaining 29 or 30 days as the case may be. In addition to these two extra months sahkars have three more months of their own invention.

Shrimati Lekhwati Jain had to oppose the Bill because she has to get votes from her constituents who are mainly sahkars. But I think it is degrading one's self to beg votes from such voters as money-lenders. Islam is not in favour of non-payment of debts. It rather condemns those who do not pay their debts. But at the same time it condemns in strong terms those who charge interest on loans. Usury is prohibited in Islam. Usury is the cause of many evils that flourish in the world. In order to make all men equal it is necessary that usury should be stopped once for all. It is against the principle of equality amongst all men. Such creeds as socialism have come into existence on account of usury and the inequality between man and man created by it. There is no such law in the world which exists to protect one individual at the cost of many. All laws exist to protect many from a few. But usury is protected in the interest of a few people and to the utter disadvantage of many. The punishment for borrowing is more terrible than all punishments that are awarded for murder, dacoity and such other crimes. The punishment which a borrower has to suffer is a permanent one. The borrower dies but it leaves that punishment as a legacy to his sons and grandsons. It descends down to his descendants, for generations. The zamindars do not hate those sahkars who are honest in their dealings. There are cases in which zamindars have even sacrificed their own interests for the sake of sahkars. I remember of a case in which a zamindar had confessed that he was responsible for a certain murder while the real criminal was another man who happened to be an honest sahkar. This Bill will have effect only against dishonest sahkars. Honest sahkars need not entertain any fears on its account.

Then, it has been opposed on the ground that it provides for the licensing of sahukars. I do not think if the provision in this connection is in any way objectionable. We have to get licences for keeping arms. These licences are necessary so that undesirable people like robbers and dacoits may not keep arms. It is very easy for a good citizen to get a licence for keeping a gun or a pistol. Similarly the Bill provides that only those persons be given a licence for money-lending who are honest and well behaved. It is simply to stop such people from carrying on the profession of money-lending who are dishonest in their dealings.

All trades and professions depend upon agriculture. The zamindars work hard and grow crops. They enlist in the army and fight to protect the country. They labour while others enjoy the fruit of their labour. All their earnings go into the coffers of the sahukars. Zamindars are most important for the existence of sahukars. As such sahukars should try to help the zamindars so that they may continue their existence in the interest of the former. If the zamindars cease to have families and children there would be no people left to labour in the fields in order to fill the coffers of the sahukars and other classes of people who depend on them. By advancing a few hundred rupees you reserve for yourself and your coming generations for all times the services of a class of earners to earn money for you and for your children. Chaudhri Chhotu Ram found that zamindars were treated most cruelly. His heart was moved and he brought forward this measure. This measure on the one hand protects the zamindars and on the other safeguards the interests of sahukars in as much as it aims at stopping the latter from killing the goose that lays the golden eggs. The measure is both in the interest of the zamindars and the sahukars.

As this Bill is to be referred to a select committee I need not make a lengthy speech. There are the representatives of the sahukars as well as the representatives of the zamindars on the select committee. They will improve upon the present Bill. I will throw more light on this Bill after it emerges from the select committee. With these few words, I support the motion now before the House.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural): We have heard several speeches criticising and supporting this wholesome measure. I shall mainly divide this Bill into two parts. One part deals with the provisions of law which already exist. It only clears them and removes some of the ambiguities under the existing law. (*Hear, hear*). I am astonished why there should have been an attack on the provision that the ancestral property should not be attached. It is already provided in the customary law of the Punjab, and this law has been in existence in this province not only since the advent of the British but even before that. This wholesome principle of law was lately attacked by some of the judicial officers, though it had been upheld by the High Court, namely that the ancestral property cannot be alienated for the debts of the deceased proprietor. It is evidently due to a misinterpretation of this principle of law that certain judicial officers acted otherwise and I think that by making that law clear and removing all ambiguities we will be doing good both to the zamindars and the sahukars by saving them from a prolonged litigation. Again, I am unable to understand why giving of land on lease by the collector should have been objected to by anybody. The collector will sit as a judicial

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officer to decide these matters. At present the procedure is like this. When a person wants to attach the land of an agriculturist he goes to the civil court and the civil court sends the papers to the collector for report as to how much of the land can be given on lease and for how long a period. If the parties object to the collector's report, the land is let out in auction and it goes to the highest bidder for a certain number of years. This is really a double process. First it goes to the civil court, then to the collector and then back to the civil court which goes over the same ground once again and if the report is acceptable to the parties then it is decided on the basis of that report. When thus the whole process is done by the collector, or by auction under the present law, I do not see what objection there can be for the provision in the present measure which only seeks to codify the existing practice. Besides it must also be kept in mind that both the judicial officer and the collector recognise that some land should be left for the debtor for the maintenance of the debtor and his family. When that is the case I do not see what objection there can be for this measure. No addition or alteration of the existing law has been made in this respect. The present law only codifies the existing customary law and makes it simpler than the present process. Instead of going to the judge and then to the collector and again to the judge, the matter is now left entirely to the collector thus saving so much botheration to the litigants. I think this is a very wholesome provision and I do not see why anybody should object to it.

Again, objection has been taken to the clause which provides that the burden of proof of consideration of payment should lie on the sahuakar. This is the first principle of jurisprudence and this holds good all over the world that one who goes to court has first to prove his case, i.e., that the defendant owes him so much money. Certain invasions were made on this principle on account of the partiality of certain judges, if I may be allowed to use that expression. It is to do away with any ambiguities in respect to this matter that it is proposed in this legislation that the burden of proof of payment of consideration shall lie on the person who alleges that he has paid it.

Mr. President : The honourable member has used the expression "partiality of certain judges." I request him to withdraw that expression.

Sardar Sampuran Singh : I withdraw that expression. Now, clauses 9 and 10 provide for the registration and licensing of the sahuakars. Perhaps honourable members are aware that this law exists in most of the European countries. It is necessary not only to save the debtor, but also to elevate the status of the sahuakars and to weed out those cheats who creep in every profession, so that only respectable people should run this profession, so that they may acquire a status and be saved from such attacks which we hear to-day in connection with this class of people.

In the end I have got to say only one thing. Most of the villification and attacks on this Bill seem to be very unreasonable. I have more or less tried to deal with every provision which has been made in this Bill and I do not see that there is anything inimical or prejudicial to the money-lending class in it. This Bill only seeks to remove malpractices in this profession.

and to save the ignorant people from some crafty people who always try to over-reach the ignorant and poor people. The words "dishonest" and "stupid" and other harsh words have been used in the course of this debate. After hearing several speeches I once again looked into the Bill to see whether such harsh words were really justifiable, but I do not find anything in it which is really objectionable or prejudicial to any class of people in the province. I find that all these epithets are out of place.

Rai Bahadur Mr. P. Mukerji (Punjab Chamber of Commerce and Trades Association, Commerce): I am sorry I did not have the advantage of hearing what has always been a very interesting speech of the sponsor of the Bill which in this case must have been very much more interesting as in order to support the provisions of this Bill he had to make the worse appear the better reason. The subject of the Bill has had a very careful consideration of my constituency and their view appears in the supplemental list of opinions. We have at the outset made it clear that the underlying principle of the Bill, that is, to afford relief to indigent debtors has our greatest sympathy. But the way in which this Bill or the provisions of this Bill seek to achieve that object, is repugnant and we very strongly oppose the provisions of the Bill. I should, however, like the honourable the sponsor of the Bill to make it clear that the term "money-lender" in the Bill which has the same definition as "creditor" in the Punjab Regulation of Accounts Act does not apply to (a) loans advanced by a bank, a co-operative society or a company whose accounts are subject to audit by a certified auditor under the Indian Companies Act; (b) the loans advanced by a trader; (c) advances made on the basis of negotiable instruments and (d) transactions which are in substance a mortgage or sale of immovable property. I think this point has not been made clear in the Bill itself. I have, therefore, to make a request to the honourable mover of the Bill to remove in the select committee any doubt that may exist at present. As regards the other clauses of the Bill, although I am a lay man, it is not difficult to understand that most of them go counter to commonsense on which all legislation should be based. With these words I oppose the Bill being referred to select committee.

The Honourable Mr. D. J. Boyd (Finance Member): I have got very little to say on this Bill. The Government will not oppose the motion for its reference to a select committee. At the same time I wish to make it clear that in refraining from opposing this motion Government are not committed to any particular provision in the Bill.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadan, Rural) (*Urdu*): I am at a loss to understand why Shrimati Ji is so afraid of Chaudhri Chhotu Ram. Just as a baby is terrified at the mention of a bugbear, similarly Shrimati Ji is thrown into a state of panic as soon as she hears the name of my honourable friend Chaudhri Chhotu Ram. He has brought forward a very wholesome measure for the benefit of the zamindars, who are dolefully groaning under the heavy burden of indebtedness. But the proposed legislation will help both the zamindars and the non-zamindars. When the Punjab Relief of Indebtedness Bill was under discussion, she was pleased to remark that the sahukars do not want to advance money to the zamindars, but the zamindars go and pester them for a loan. She said that if the sahukars could be prevented from advancing money to the zamindars,

[Ch. Ram Sarop.]

she would feel extremely happy. But now when a scheme is devised to meet her wishes, she protests against it. In future the collector in each district shall maintain a register of licensed money-lenders in his district. Under those circumstances, it will not be possible for a zamindar to go to any Tom, Dick, or Harry, to borrow money. He will have to go only to a limited number of people for a loan. This aspect of the proposed Bill, therefore, should give very great satisfaction to Shrimati Ji instead of calling forth her wrath.

This Bill further provides that the collector shall exempt from temporary alienation such portion of the agricultural land belonging to an agriculturist judgment-debtor as is sufficient in his opinion for the maintenance of the judgment-debtor and his family. An honourable member argued that even if the whole of the agricultural land be at the disposal of the zamindar he will not be able to keep the wolf from the door. If that land is worthless, and will not be fit for the maintenance of the zamindars, why are the zamindars perturbed about it. However, the law does impose some restrictions and exempts from temporary alienation such portion of the agricultural land belonging to an agriculturist judgment-debtor as is sufficient for the maintenance of the judgment-debtor and his family.

Again, Shrimati Ji has said that a lot of propaganda is going on in the villages against this Bill. In this connection I would submit that the poor villagers are absolutely illiterate and ignorant. They cannot consider the merits and the demerits of such measures, much less can they agitate and protest against them. Shrimati Ji goes from place to place. She hears certain things in the cities and spreads them among ignorant villagers. She herself does this sort of propaganda in the villages. In the course of her speech she observed that people who bring forward such measures are doing only propaganda for the sake of elections. I would ask Shrimati Ji whether she knows that if Chaudhri Chhotu Ram is not returned to the Council, at the next election, it will not mean tuppence to him. There will be plenty of scope for him elsewhere. He is an LL.B.; he can start his practice. But what will Shrimati Ji do, if she is not returned to the Council?

Mr. President : May I request the honourable member not to be personal?

Chaudhri Ram Sarop : I am only replying to the arguments advanced by Shrimati Ji. I will now give only one example appropriate to this case and will resume my seat. A poor old father gives a first class education to his son; he sends him to England for the Bar and even helps him to get a second hand English wife. The old man incurs a lot of debt for the sake of his son. At last the poor old man falls seriously ill and the doctor comes to treat the sick man. The son and his English wife refuse point blank and tell the doctor not to bother about the patient. This is how the zamindars are being dealt with in respect of the proposed legislation by their creditors. Their attitude is an outrage on all canons of fairness and equity. With these words, I support the motion before the House.

Thakur Pancham Chand (Kangra, non-Muhammadian, Rural) : I had no intention to speak on the motion but as my name has been mentioned by my honourable friend Rai Bahadur Lala Sewak Ram, I think I should clear my position. The present Bill that is before the House is the most important Bill that I have ever seen in my council life because it tends to protect the poor debtor irrespective of any caste and creed (*hear, hear*) who is groaning under the heavy debt and it saves the poor debtor from the clutches of the clever and the unscrupulous creditors. It is very difficult for the poor agriculturist to get rid of the heavy debt. As you know he is ill-fed and ill-clad. I need not dwell upon this point because this fact has been admitted by the Government itself and by the honourable members of this House in their speeches delivered on the floor of this House from time to time. But what I want to submit is this that I am pained to find that the Government has shirked its responsibility. It was the duty of the Government to have brought this Bill before the House and not of a private member. Evidently the Government is afraid of agitation being started by the sahlukars. As you know various conferences have been held by these sahlukars at different places and they have given threats to the Government to boycott British goods if such a Bill is passed into law and not to lend money to the poor zamindars. In that connection I submit that I welcome these decisions of the money-lenders not to advance any money to the zamindars and to refuse to buy British goods, and to start their own swadeshi goods. Rao Bahadur Chhotu Ram has done a great service to the zamindars in presenting this Bill before the House. The other day my honourable friend from Jullundur while making his speech gave me the impression that he was not speaking in the Council but delivering his speech on the platform of a religious society. What I gathered from his speech, if I am right, was that he wanted to say some thing against the personality of the Rao Bahadur. I may inform him that he is the leader not only of the Nationalist Unionist Party but of the whole of the Hindu zamindars (*hear, hear*). The zamindars are grateful to him for the pains he has taken and is taking to better their position. Enough has been stated as to the principles of this Bill, but I would like to say only two or three words. Under the present law when the land of an agriculturist is attached the file is sent to the collector for making an enquiry. After the collector has made the enquiry, the file is sent again to the civil court, but the civil court is not bound to abide by the opinion of the collector. And as you have seen in many cases the civil court, before passing the Alienation of Land Amendment Act I of 1931, used to lease the landed property for more than 40 or 50 years and in some case allowed the sale of the land also. So far as the sale of the land is concerned that matter was set at rest by the Full Bench ruling of the High Court. Even then the Council had to pass a law that in no case shall the land belonging to an agricultural tribe be leased for more than 20 years. So the principle is there. In fact the collector and the commissioner know much more than the civil courts know about the zamindars. In the interests of justice and equity, therefore, that power is given to the collector to decide such questions. So far as trees are concerned I pointed out that trees are regarded as immovable property but in § Lahore 285 a ruling was given that trees were not immovable property and unless that ruling is set aside or legislation is passed nothing can be done. There is nothing new in the present Bill. Up to 1925 rulings were in favour

[Th. Pancham Chand.]

of trees being immovable property. So far as the execution of the decrees is concerned, I think that is also nothing new. It will curtail the business of the courts. Moreover this part was accepted in the select committee when the Punjab Relief of Indebtedness Bill was sent to the committee but it was dropped because in that case it would lead to the necessity of circulating the Bill again to elicit public opinion. Otherwise the principle of limiting the period for the execution of decrees was accepted in the select committee appointed for the last Bill. My submission is therefore this, that there is nothing new in this Bill and I support the motion that the Bill may be sent to the select committee.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): I will not take very long in giving a reply to the criticism that has been made. There seems to be a general misunderstanding on one point. Even officials who ought to have known better have gone wrong on that point. Some people here as well as outside the Council have said that certain clauses were omitted from the Relief of Indebtedness Bill when it was passed in this Council in the Budget Session and should not have been brought forward again. They forgot the reason why those clauses were omitted. Those clauses were omitted because the sanction of the Government of India had not been received in respect of those particular clauses. Whether Government would or would not be able to support those clauses when they come up before this House for actual consideration is an entirely different question. These clauses were omitted simply because the previous sanction of the Governor-General had not been received in respect of them and because the High Court had not been consulted with regard to the feasibility or propriety of making certain changes in the law which were sought to be made by these clauses. Therefore the omission of these clauses at that time does not mean and should not be understood to mean that they were regarded either by the Government or by any section of this House as being unworthy of being incorporated in a measure of this sort. They were not rejected or omitted on merits. The Government, as already explained by the Leader of the House, is not committed either to opposing or supporting any particular provision of this Bill. This was made perfectly clear when the aforesaid omission was made on the last occasion and that position has been made clear now. So, there need be no misunderstanding either with regard to the reason of omission or the attitude of Government.

Another point which I may make is that some of the provisions have been unnecessarily and ignorantly described to be radical or to be going too far. As has been explained by the honourable Sikh member who represents Lyallpur, Sardar Sampuran Singh, with the exception of licensing of money-lenders and change in the law of limitation there is absolutely nothing in this Bill which is new. The only thing which is aimed at by this Bill is to give statutory form to what had already existed in the province and what had been acted upon for a very long time by the judiciary. It is only during the last few years, that there have been certain interpretations of custom and law which threaten to either weaken what was considered to be good law and valid custom before, or to put an entirely different complexion upon custom and law which had determined and secured the rights of judgment-debtors in our courts for more than half a century. If members had

gone carefully through this book of opinions, they would have found that many judicial officers including the Honourable Judges of the High Court have recognized that such and such provisions were only an echo of what was held to be good law for a long number of years.

There is one clause to which I would like to make a particular reference, namely, clause 5 which relates to the exemption of standing crops and standing trees. This clause has been entirely misunderstood, and motives have been imputed which could not possibly have been imputed if members had taken the trouble of considering the meaning of this clause carefully. So far as the question of exempting standing trees from attachment or sale is concerned, it has been made necessary to legislate on this point because of a recent ruling which has gone against previous rulings in respect of fruit trees. There are certain tracts of the province where land apart from the trees standing on it has no value whatsoever. If these trees are attached and sold the land by itself is valueless and of no meaning to the judgment-debtor. What is intended by means of this clause is to make it clear that the law which had been followed all these years was still good law. So far as the exemption of standing crops is concerned, the matter stands on a slightly different footing. The intention here is not to deprive the decree-holder of his right to attach and have sold agricultural produce. What is intended is the prevention of attachment of standing crops. The agricultural produce, as such, will still be available to decree-holders. This is an entirely different proposition from what many people have understood by the clause. The pity is that people have not carefully read the clause or tried to understand what it means. When standing crops are attached they are made over to *sipurdars*. The judgment-debtor cannot cut his crops when they are mature. He has no right left to do it, similarly the decree-holder more frequently fails to take any steps to have the crops reaped and harvested. I have known cases in which sugarcane was attached and allowed to lose all its value because the whole crushing season was allowed to pass without putting it through the sugarcane press. I have known cases in which wheat crop was attached and allowed to lose all its value because it was not gathered in time. It is with the object of putting an end to these anomalies that I have sought to incorporate clause 5 in this Bill. I would request the honourable members of this House not to be led away by prejudice, not to be led away by sentiment, not to be led away by ignorant criticisms in the press or from the platform. Let them apply their mind to the various clauses of this Bill and they will find that there is nothing radical, nothing revolutionary in the clauses of this Bill. As I have already stated, I have only tried to give statutory form to what was already considered to be good law and in respect of which doubts have arisen during the last few years in consequence of interpreting law and custom on certain points differently from the manner in which they were interpreted formerly. ■

I should also like to draw the attention of members to a welcome aspect of the opinion expressed by the Punjab Chamber of Commerce because a reference has been made by one honourable member to the Chamber as a hostile critic. I am absolutely sure that if the suggestion made by the Punjab Chamber of Commerce is acceptable to the gentlemen who represent money-lending interests in this House, the members who represent the interests of debtor classes will be perfectly satisfied with the action on the

[R. B. Ch. Chhotu Ram.]

lines of that suggestion. Here is the passage to which I desire to draw the attention of the honourable members:—

“The Committee feel that the principle underlying the Bill of affording some protection to indigent debtors is, in particular circumstances, unexceptionable. They recognize that so far as the industrial population is concerned, the wages earned by labourers are exempt from attachment in satisfaction of debts, and as regards Government servants, railway employes and servants of local authorities, there is at the moment legislation pending to increase the limit up to which salaries are entirely exempt from attachment from Rs. 40 to Rs. 100. There can apparently in such circumstances, be no justification to withhold relief to the rural and agricultural population which perhaps is more deserving of help in view of the fact that prices of agricultural produce have, in contrast to fixed salaries and wages in money, deteriorated enormously.”

Then again, the Punjab Chamber of Commerce suggest that:—

“In their view that object would best be attained by making provision that property belonging to an agriculturist debtor shall be exempt from attachment in satisfaction of a debt provided that such agriculturist is a man of moderate or average means. An agriculturist assessed to a land revenue which is less than, say Rs. 200 a year may be regarded as a person of moderate means and may be exempted.”

If the honourable members who represent money-lending interests in this House are prepared to accept this recommendation, I promise that I will do my level best to persuade all the members who represent debtor classes to agree to the same principle, and I am positive that they will agree to it. The Chamber make another suggestion. They say that:—

“The Committee thinks that if the clause prescribes a minimum value up to which the trees are not liable to attachment, there may be some justification for the provision.”

Therefore, I may well content that even the Punjab Chamber of Commerce which represents commercial interests is in favour of the principle of the Bill and makes a recommendation which if acceptable to the representatives of money-lending interests will also be acceptable to the representatives of debtor classes.

Objection was also taken to the collector being authorised to execute decrees and acting judicially in doing so. I really fail to understand why there should be any objection to this principle. This principle has already been recognized by sections 68 to 71 of the Civil Procedure Code. I will just draw the attention of the honourable members to those sections:—

“The Local Government may, with the previous sanction of the Governor General in Council, declare by notification in the local official gazette that in any local area the execution of decrees in cases in which a court has ordered any immovable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immovable property, shall be transferred to the Collector.”

Then section 71 lays down:—

“In executing a decree transferred to the Collector under section 68 the Collector and his subordinates shall be deemed to be acting judicially.”

So there is nothing objectionable in the proposal contained in the Bill which I am sponsoring. Here is the law contained in an enactment passed by the central legislature which gives to the collector exactly the powers which I seek to give him under this Bill. No objection has ever been taken by anybody to sections 68—71 of the Civil Procedure Code; why should any objection crop up now? Then with respect to appeals, the provision in the Civil Procedure Code is the same as proposed by me here. If any appeal is to be made against the orders passed by the collector it should lie to the revenue officer whom he is subordinate to. I have done nothing new.

Therefore I have not been able to understand the mentality of members who have stood up to oppose even a reference to the select committee.

So far as limitation is concerned, there are many officers of experience who have agreed that the period should be reduced either from 12 to 9 years or from 12 to 6 years. So far as the licensing of money-lenders is concerned, I am glad to say that more than half the individuals and associations who have expressed their opinion have supported this particular proposal. Therefore I see absolutely nothing in the Bill which need cause any fright to the representatives of money-lenders. As a last remark I may be allowed to observe that even if the interests of money-lenders are adversely affected by the provisions of this Bill, let the honourable members of this House remember that the total number of money-lenders in this province is not more than 40,000. After all this also must be remembered that 90 per cent. of the population of the Punjab is in debt. They must give preference to the interests of 90 per cent. of the Punjab population—which means over two crores—rather than to the interests of a handful of money-lenders numbering not more than 40,000 in the whole province (*cheers*).

Mr. President : The question is—

That the Punjab Debtors' Protection Bill be referred to a select committee, consisting of the following—

Sardar Sahib Sardar Ujjal Singh,
Thakur Pancham Chand,
Kanwar Mamraj Singh Chohan,
Sardar Bishen Singh,
Sardar Sampuran Singh,
Khan Bahadur Nawab Muhammad Hayat Qureshi,
Khan Sahib Chaudhri Riasat Ali,
Pir Akbar Ali,
Khan Bahadur Malik Zaman Mehdi Khan,
The Honourable Mr. D. J. Boyd,
Mr. J. D. Anderson,
A nominee of the Honourable President, and
The Mover.

The motion was carried.

Rao Bahadur Chaudhri Chhotu Ram : I propose that the quorum of the select committee should be 7.

The proposal was agreed to.

THE PUNJAB CATTLE LIFTING PREVENTION BILL.

Sardar Sahib Sardar Gurbachan Singh (Jullundur, Sikh, Rural) :
I move—

That leave be granted to introduce the Punjab Cattle Lifting Prevention Bill
At this stage I do not think there is any need to make any speech. I would only refer honourable members to the statement of objects and reasons attached to the Bill.

Mr. President : The question is—

That leave be granted to introduce the Punjab Cattle Lifting Prevention Bill.

The motion was carried.

Sardar Sahib Sardar Gurbachan Singh : I introduce the Punjab Cattle Lifting Prevention Bill.

**THE PUNJAB FREE PRIMARY COMPULSORY EDUCATION
FOR GIRLS BILL.**

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban): I beg to move—

That leave be granted to introduce the Punjab Free Primary Compulsory Education for Girls Bill.

I need not make a long speech in introducing this Bill before the House because everybody knows that education for girls is as necessary as for boys. I am glad to say that there has been much progress during the last ten years in this direction but it is all due to the laudable efforts of the Honourable Minister for Education. The Honourable Sir Firoz Khan Noon has always taken a great interest in the cause and I shall be failing in my duty if I do not express the feeling of thankfulness and gratitude to him on behalf of the women of the Punjab. But still more remains to be done. The number of school going girls is hopelessly small. I have introduced this Bill not for the benefit of my sisters who live in the big cities but for those who live in the villages of the Punjab. I hope, therefore, the honourable member from Rohtak will support this Bill. The All-India Women's Conference has also passed a resolution that there should be free primary education for girls. Honourable members know very well that under the new constitution women have got greater franchise and that literacy is one of the qualifications for the vote. Women cannot be expected to use their vote intelligently without education. We must therefore educate our future electoral masters, if I may say so. Women in India are called by the name of *grihanis*. The word means a girl who does her work properly in the house. Without education they cannot do the house work properly and cannot produce sons like Ram and Bhim. So we must educate our girls to make them good wives and good mothers. Many honourable members in this House are not in favour of high education for girls, and rightly so. I myself am not. The object of this Bill is only to educate them in the three R's, reading, 'riting and 'rithmetic. I hope, therefore, that honourable members will support this Bill unanimously.

Mr. President: The question is—

That leave be granted to introduce the Punjab Free Primary Compulsory Education for Girls Bill.

The motion was carried.

Shrimati Lekhwati Jain: I introduce the Punjab Free Primary Compulsory Education for Girls Bill.

THE PUNJAB CATTLE LIFTING PREVENTION BILL.

Sardar Sahib Sardar Gurbachan Singh: I beg to move—

That the Punjab Cattle Lifting Prevention Bill be circulated for the purpose of eliciting opinion thereon.

The motion was carried.

THE PUNJAB FREE PRIMARY COMPULSORY EDUCATION FOR GIRLS BILL.

Shrimati Lekhwati Jain: I beg to move—

That the Punjab Free Primary Compulsory Education for Girls Bill be circulated for the purpose of eliciting opinion thereon.

The motion was carried.

The Council then adjourned till 2-30 P.M. on Friday, 1st November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 1st November, 1935.

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 :—

Khan Bahadur Dr. K. A. Rahman (Director of Public Health);
Mr. J. E. Parkinson (Director of Public Instruction).

STARRED QUESTIONS AND ANSWERS.

SECRETARY, KHANEWAL MUNICIPAL COMMITTEE.

***4767. Khan Sahib Chaudhri Riasat Ali:** Will the Honourable Minister for Local Self-Government please state—

- (a) the date of appointment of the present Secretary, Municipal Committee, Khanewal;
- (b) whether there were any complaints made to Government against him for undue interference in the recent election;
- (c) whether these complaints have been enquired into?

The Honourable Dr. Sir Gokul Chand Narang: (a) November 1st, 1927.

- (b) No complaint is reported to have been received.
- (c) Does not arise.

ALLOTMENT OF LANDS IN KHANEWAL.

***4768. Khan Sahib Chaudhri Riasat Ali:** Will the Honourable Member for Revenue please state—

- (a) whether the Government allotted some land on the condition of plantation of trees in the town of Khanewal;
- (b) whether the grantees have fulfilled this condition;
- (c) whether some land was allotted for the building of soda water, soap and trunk factories;
- (d) whether these factories have been built;
- (e) whether the land allotted for the purpose has been used for building residential quarters;
- (f) whether the Government is prepared to take any action in the matter?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) There were three grantees. One has fulfilled the conditions.

(c) Yes.

(d) Yes.

(e) The factory buildings were partly let out for residential purposes in the past but are not now.

(f) Action is being taken against one of the tree-planting grantees for the non-fulfilment of conditions.

ROAD BETWEEN CHAK NO. 168/10-R AND KHANEWAL.

***4769. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

(a) the distance of Chak No 168/10-R from the Khanewal city ;

(b) whether the road connecting this chak with the town is a sort of gateway for the whole colony ;

(c) whether the road is full of pits dangerous to traffic ;

(d) whether there are no culverts so far built by the Canal Department ;

(e) whether Government, in view of (b) above, intends to repair this road ; if so, when ?

The Honourable Nawab Muzaffar Khan : (a) $1\frac{1}{2}$ miles.

(b) No. The road is an ordinary village road leading to Chak No. 168/10-R and a few other chaks.

(c) No.

(d) There are two culverts, one near Chak No. 168/10-R and the other near the town, which have been constructed by the Irrigation Department.

(e) Does not arise.

LAND IN CHAK NO. 168/10-R.

***4770. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

(a) the total area of land of Chak No. 168/10-R ;

(b) the area fit for cultivation ;

(c) the area allotted ;

(d) whether the land of the chak is rather poor and full of heaps of sand ;

(e) whether the land between this chak and the town has not yet been allotted in spite of the fact that it is a commanded area ;

(f) whether Government is aware that the heaps of sand in the intervening space bury the standing crops when the wind blows ;

(g) whether under the circumstances, the Government is prepared to allot this land to the people of this chak or sell it to them on concession rates ?

The Honourable Nawab Muzaffar Khan : (a) 2,377 acres.

(b) 1,752 acres.

(c) 1,358 acres.

(d) The land towards the west of the *abadi* is rather poor and contains small heaps of sand, but the remaining area is better than average.

(e) The area in question has not been allotted because it is mostly uncommanded.

(f) When a strong wind blows, some sand is, of course, carried to the fields, but it does not cause much damage to crops.

(g) Sale of uncommanded lands in the Lower Bari Doab Canal Colony has been disallowed. The area being close to the town of Khanewal can be utilised for its extension.

WATER SUPPLY IN CHAK No. 168/10-R.

***4771. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

(a) whether the water supply is insufficient in Chak No. 168/10-R ;

(b) whether the zamindars submitted many applications to the Executive Engineer on the subject ;

(c) whether in spite of his recommendation and the waiting of a deputation on the Superintending Engineer under the leadership of Sardar Budh Singh, retired Revenue Assistant, no action has been taken in the matter ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Yes.

(c) Separate outlets have since been sanctioned which will settle the dispute.

OUTLET IN CHAK No. 168/10-R.

***4772. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

(a) whether there is an outlet with a bifurcation in Chak No. 168/10-R ;

(b) whether repeated quarrels and disputes have arisen between the zamindars on this moga ;

(c) whether the zamindars have submitted many applications for the division of this outlet into two separate mogas in order to avoid further trouble ;

(d) whether the Government is prepared to take any action in the matter ?

The Honourable Nawab Muzaffar Khan : (a), (b) and (c) Yes.

(d) The honourable member is referred to the reply given to part (e) of question No. *4771 (above).

DRINKING WATER SUPPLY AT DAJAL.

***4773. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) what arrangements he has made to improve the drinking water supply at Dajal (district Dera Ghazi Khan) ;
- (b) whether the village reorganisation scheme is going to take up this matter in hand ?

The Honourable Malik Sir Firoz Khan Noon : (a) The water supply for Dajal has been a puzzle to Government so far in spite of the many efforts of the Sanitary Board to provide good drinking water to this town. Dajal is a small town of 7,000 souls and depends for its water supply on the open ponds roundabout the town. The sub-soil water in Dajal and under the area surrounding the town is brackish. Therefore, tube-wells cannot be sunk for this purpose. A skeleton scheme was drawn up in 1930 for supplying Dajal with water from sweet water wells to be sunk 8 miles east of Dajal. This scheme was estimated to cost Rs. 2,02,827 non-recurring and Rs. 7,060 per annum recurring. Even if the Government were to find this capital cost, it would be impossible for Dajal town to supply the recurring cost. Another scheme is now under consideration. There is a fall of 300 feet from Kalapani, 20 miles west of Dajal, where it debouches from the Suleman Range into the plains to Dajal. A 4 inches pipeline would cost Rs. 20,00,000 non-recurring and Rs. 3,000 a year recurring, but certain zamindars have rights in this water supply and the local authorities are now carefully examining the possibility of supplying Dajal potable water from Kalapani. Here again the capital cost will be heavy and the recurring cost will also be considerable. The honourable member can rest assured that the Sanitary Board are doing all that can be done to remove the difficulty about drinking water at Dajal.

(b) I regret the reference in this part of the question is not understood.

Rai Bahadur Lala Sewak Ram : The Rural Reconstruction Department have a lot of money. Will they not be able to give a grant to the Dajal Municipality to pay recurring expenses of the scheme ?

The Honourable Malik Sir Firoz Khan Noon : I am afraid I cannot say.

DUTIES OF ZILLADAR.

***4774. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is one of the important duties of a zilladar to watch the state of demand for water and indent for supplies required for channels in his charge ;
- (b) whether it is the duty of a zilladar to make recommendations for gauges to maintain and to promptly report any change in demand ;
- (c) whether it is the duty of a zilladar to keep a constant eye on the state of crops and bring to notice of Sub-Divisional Officer cases where failure of crops through want of water appears imminent ;

- (d) whether,—*vide* paragraph 6.3 of Revenue Manual,—a Sub-Divisional Officer has been placed in charge of revenue work for the main reason that he should be in direct touch with the state of crops, etc. ;
- (e) whether in practice zilladars are asked to give indents of channels in their sections ;
- (f) whether such recommendations are ever cared for and carried out in practice ;
- (g) if not, whether Government is prepared to issue instructions to local officers drawing their attention to paragraphs 2.1, sub-paragraph (v) and 2.19 of the Revenue Manual ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes. The main object of making the Revenue staff directly responsible to the Sub-Divisional Officer is that the latter should be kept in touch with the state of the crops, etc.

(e) Yes.

(f) Yes, depending on how far the Zilladar's recommendations are to be relied upon.

(g) Does not arise. The local officers are fully conversant with the paragraphs of the Revenue Manual mentioned by the honourable member in his question.

REGULATION OF WATER CHANNELS.

***4775. Mian Nurullah :** Will the Honourable Revenue Member be pleased to enquire and state—

- (a) whether it is a fact that the indent of supplies required for channels is not asked for from the zilladars concerned ;
- (b) whether in cases of short supplies at tails the recommendations of zilladars for raising head gauges are never accepted ;
- (c) whether zilladars are never informed about closures of channels in their sections ;
- (d) whether the Sub-Divisional Officers always inform overseers regarding lowering and increasing of head gauges by wire, copy of which is not given to zilladars ;
- (e) whether it is on the recommendation of overseers that gauges are maintained for every channel ;
- (f) whether it is a fact that the regulation of minors and small distributaries is done by overseers ;
- (g) whether overseers have any touch with revenue work ;
- (h) whether overseers can ever know the state of demand of water.

[Mian Nurullah.]

- (i) whether zilladars sometimes, when questioned or asked by zamindars about closures (short ones), their channels and the reasons and length of such closures, plead complete ignorance on the point saying that they are not supplied with such intimation ;
- (j) whether the Government is aware that it is in the interest of zamindars that zilladars should know about all changes of indents and about all closures in their sections ;
- (k) whether the Government is prepared to issue orders to all local officers requiring them to strictly follow instructions laid down for zilladars regarding indenting of supplies ;
- (l) whether the Government is prepared to discourage overseers from interfering into regulation matters as their interest always lies in keeping low supplies in channels for fear of breaches, etc. ;
- (m) whether the Government is prepared to issue orders impressing that zilladars should be given a direct hand in regulation of channels, and their recommendations regarding indent of supplies should always be accepted except under very special circumstances ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) No.

(c) No.

(d) No.

(e) No.

(f) No.

(g) Yes, they are in touch with revenue work to some extent.

(h) Yes.

(i) Government have no such information. If the honourable member can quote any specific instance of the kind referred to, Government will enquire into the circumstances and take any action which seems proper.

(j) Yes.

(k) No. The Government has no reason to believe that the instructions laid down in the Revenue Manual are not being followed.

(l) Regulation is entirely controlled by officers, hence the question does not arise.

(m) No. The responsibility for regulation must rest on the zilladar's superior officers.

REGULATION OF WATER CHANNELS.

***4776. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that on all the canals of the province the general practice of Sub-Divisional Officers is not to inform zilladars about closures of channels and changes of indents of supplies ;

- (b) whether overseers are kept in direct touch with such matters ;
- (c) whether Sub-Divisional Canal Officers have any powers under the Canal Act to increase and decrease supplies of water in channels on their own authority ;
- (d) whether Sub-Divisional Canal Officers can close minors and distributaries for a day or more without written permission of the Divisional Canal Officer ;
- (e) whether generally the regulation of channels is done by Sub-Divisional Canal Officers ;
- (f) whether zilladars are consulted in matter of regulations ;
- (g) whether Government can quote any law under which a Sub-Divisional Canal Officer can close minors and distributaries from heads without written sanction of the Divisional Canal Officer ;
- (h) whether Government is prepared to stop the practice of regulation of channels by Sub-Divisional Officers ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

- (b) Yes.
- (c) Regulation of supplies in channels is an administrative matter and is not dealt with in the Canal Act.
- (d) Yes, for purposes of regulation or in emergencies.
- (e) Yes.
- (f) Yes.
- (g) See reply to (c) above.
- (h) No. One of the most important duties of a Sub-Divisional Officer is regulation of supplies within his sub-division. Attention is invited to paragraph 6.2 (2) of the Revenue Manual, 3rd Edition.

ZAMINDARA LABOUR.

***4777. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that zilladars are required to collect zamindara labour for emergent repairs and closures of canal breaches, etc. ;
- (b) whether paragraph 6.7 of the Revenue Manual lays the duty of collection of zamindara labour on the zilladars for the reason that they have intimate knowledge of the cultivators ;
- (c) whether Government knows that zilladars are punished when they fail to collect such labour ;
- (d) whether the Government is prepared to issue definite orders that no zilladar should be punished for failure to collect zamindara labour ;
- (e) whether the Government wants zilladars to use force or any other means to take such labour, when required ; if not, why action is taken against zilladars who fail to collect such labour ;
- (f) whether Government is prepared to stop the practice of taking zamindara labour through zilladars ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) The honourable member is referred to the reply given to part (b) of his question No. *2416¹ of 1933.

(b) The honourable member is referred to the reply given to part (b) of his question No. *2672² of 1934.

(c) The honourable member is referred to the reply given to part (a) of his question No. *2672² of 1934.

(d) No.

(e) No.

(f) No : for the reasons given in the paragraph of the Revenue Manual quoted by the honourable member in part (b) of his question.

CANAL CASES.

***4773. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

(a) with reference to my council questions Nos. *3333³ and *3334³ asked during the last session whether canal overseers have any hand in the canal administration ;

(b) whether canal overseers are not purely technical men and have nothing to do with investigations of cases of damage to canal works, water and plantations ;

(c) whether any canal overseer has ever been engaged on any of the investigations mentioned in part (b) above ;

(d) whether they have ever recorded the statements of offenders in such cases ;

(e) if the reply to the above be in the affirmative, whether Government will lay on the table any section or rule of the Canal Act or any paragraph of the Revenue Manual or the Public Works Department Code or the Irrigation Manual of Orders or any letter issued by the Chief Engineers which empowers them (i) to make the above investigation, (ii) to record the statements of the offenders in such cases ;

(f) if there are no such instructions or orders so far, why they are employed upon such work of investigations ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) Yes.

(d) Yes.

(e) Government has nothing further to add to the information given in reply to part (a) of the honourable member's question No. *3333³.

(f) Does not arise in view of reply to (e) above.

¹Volume XXIII, page 677.

²Vol. XXIV, pages 20-21.

³Volume XXV, page 66.

CANAL CASES.

***4779. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether canal overseers' duties are laid down in any Manual or any Code of the Irrigation Department ;
- (b) whether canal overseers are entitled under any law or departmental instructions to record statements ;
- (c) whether any law or instructions empower a canal overseer to investigate cases of damage to canal works and plantations and cases of causing obstruction to the flow of water in any channel ;
- (d) if so, whether Government will lay a copy of these instructions on the table ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b), (c) and (d) Honourable member's attention is invited to the reply to part (e) of his question No. *4778 (prepage).

TAWAN CASES.

***4780. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether a demi-official letter from Mr. F. L. Brayne, then Commissioner, Multan, was addressed to Mr. W. P. Thompson, Superintending Engineer, Lower Chenab East Circle, on 6th February, 1933, regarding the investigation of *tawan* cases by the zilladars and overseers ;
- (b) whether Mr. Colyer who succeeded Mr. Thompson as Superintending Engineer passed orders on that demi-official letter that in future all *tawan* cases should be investigated personally by the Sub-Divisional Officer or the Executive Engineer ;
- (c) whether above instructions are being carried out strictly and *tawan* cases are not sent either to the zilladars or overseers for investigation ;
- (d) whether overseers have any authority to investigate such cases ;
- (e) whether zilladars can legally investigate such cases and record statements ;
- (f) if the answer to part (c) be in the negative, whether Government is prepared to issue instructions to the local officers not to send any *tawan* cases to the zilladars for investigation ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. Mr. Colyer issued the orders on his own authority.

(c) No. Rules on the subject are laid down in paragraphs 1.9, 2.22, 3.8 and 13.9 of Revenue Manual.

(d) and (e) Honourable member's attention is invited to replies to (a) and (b) in his question No. *3333¹ of 1934.

(f) No. The Government does not see any reasons to alter the existing orders on the subject.

APPOINTMENTS AND DISMISSALS OF LAMBARDARS AND ZAILDARS.

***4781. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Irrigation Department pays to a lambardar three per cent. of the total water rates collected by him ;
- (b) whether the Civil Department consults only the Police Department and not the Irrigation Department when appointing or dismissing a lambardar ;
- (c) whether lambardars have certain duties to perform towards the Irrigation Department ; if so, why the Irrigation officers are not consulted like the Police officers on the appointments and dismissals of lambardars and zaildars and whether Government is prepared to revise its rules now ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) The water rate assessed by the Irrigation Department is collected by the district revenue staff through the agency of the lambardars, who are paid 3 per cent. on the collections.

(b) Yes.

(c) It is a fact that lambardars and zaildars are required to assist all officers of the Government, including officers of the Irrigation Department, in the execution of their public duties. Government consider it sufficient in the interest of the administration that the Collector should consult only the Police Department at the appointment and dismissal of lambardars and zaildars.

FREE QUARTERS FOR ZILLADARS.

***4782. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) how many zilladars there are on the Lower Chenab Canal ;
- (b) how many of them are provided with quarters built by the Government ;
- (c) how many of them reside in the villages ;
- (d) whether Government gives free quarters to zilladars like naib-tahsildars and sub-inspectors of police ;
- (e) if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) 51.

(b) 32.

(c) 19.

(d) No.

(e) Conditions are different in various departments and Government cannot provide free quarters for all services.

In the case of naib-tahsildars and sub-inspectors of police value of free quarters was taken into consideration when revised rates of pay were fixed.

VEGETABLES IN CANAL REST-HOUSES.

*4783. **Mian Nurullah** : Will the Honourable Revenue Member be pleased to state—

- (a) whether Sub-Divisional officers use vegetables grown in the Canal rest houses ;
- (b) whether canal overseers are in charge of the vegetable garden maintained in the Canal rest houses ;
- (c) whether the *malis* kept in such gardens are under the canal overseers ;
- (d) whether canal overseers use or take vegetables for their daily use from these gardens ;
- (e) whether they pay anything to the department for such use of vegetables ;
- (f) whether zilladars are also allowed to take vegetables for their daily use from the Canal rest house gardens free of charge ;
- (g) if not, whether the Government is aware that overseers always make a free use of vegetables, but the zilladars are not allowed to use them ;
- (h) why the department makes such an invidious distinction ;
- (i) whether Government is prepared to allow both zilladars and overseers to take vegetables from the canal rest house gardens for their daily use on payment at places where they live in canal rest houses ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) Yes.

(d) Government has no information. Subordinates stationed at rest-houses are allowed a small plot of land, where available, on which to grow their own vegetables.

(e) No.

(f) No. Zilladars requiring vegetables while on tour are required to pay Re. 0-8-0 a month to Government.

(g) See replies to (d) and (f).

(h) Does not arise.

(i) No : because the existing rules meet the reasonable requirements of both zilladars and overseers.

VEGETABLES IN CANAL REST-HOUSES.

*4784. **Mian Nurullah** : Will the Honourable Revenue Member be pleased to state—

- (a) whether touring officers putting up in Canal rest-houses can take vegetables from the Canal rest-house gardens ;
- (b) whether zilladars while on tour and staying in subordinate rest-houses of the Canal Department can take vegetables for their use from the vegetable garden maintained in a Canal rest-house ;

[Mian Nurullah.]

- (c) the amount of subscription paid for the use of vegetables from the Canal rest-house gardens each month by (i) Chief Engineer, (ii) Superintending Engineer, (iii) Executive Engineer, (iv) Sub-Divisional Officer, (v) Deputy Collector ;
- (d) whether the subscription paid by officers mentioned in (c) above is for full month ;
- (e) whether these officers can use such vegetables while they are out on tour or at their headquarters also ;
- (f) whether Government is aware that Sub-Divisional officers are always using these vegetables throughout the 30 days of a month ;
- (g) whether Executive Engineers and Superintending Engineers also get vegetables from outside Canal rest-houses at their headquarters through the Canal dāk ;
- (h) whether Deputy Collectors can have this privilege of sending for vegetables to their headquarters through Canal dāk ;
- (i) whether Deputy Collectors are required to stay mostly in villages ; if so, why they are required to pay any subscriptions for vegetables ;
- (j) whether Government is prepared to restrict the use of such vegetables for touring officers only ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. The zilladars can get vegetables from Canal vegetable gardens by paying a monthly subscription of Re. 0-8-0 while on tour under the same conditions as apply to Deputy Collectors.

(c) The rates of subscription are as below—

			Rs.	
(1) Chief Engineers	..	..	15	<i>Per annum</i>
(2) Superintending Engineers	..	..	15	<i>Per annum</i>
(3) Executive Engineers	..	..	2	<i>Per mensem</i>
(4) Sub-Divisional Officers	..	..	2	<i>Per mensem</i>
(5) Deputy Collectors	..	..	1	<i>Per mensem</i>

(d) Yes.

(e) Yes.

(f) No.

(g) Government has no such information.

(h) Does not arise.

(i) The honourable member is referred to the reply given to question No. *3105¹ (f) in the March 1934 session of the Punjab Legislative Council.

(j) The supply of vegetables from the Canal rest-house gardens is, of course, meant only for officers who tour.

QUARTERS FOR ZILLADARS.

***4785. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether most of the zilladars live in villages ;
- (b) whether they are in many cases not supplied with Government quarters ;
- (c) whether the Government knows that it is a burden on a villager to allow any officer to stay in his village ;
- (d) whether Government also loses in this respect as Government servants have to show favour to villagers in which they reside ;
- (e) if the answer to the above be in the affirmative , whether Government is prepared to build quarters for all zilladars at suitable places ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Some Irrigation Branch zilladars—more particularly on the immature Sutlej Valley Project Canals—live in villages and not in Government quarters.

(b) Yes.

(c) Government has no information to prove whether any officer living in a village actually constitutes a burden on the villagers.

(d) The probability is that Government revenues do not suffer to any greater extent than otherwise by reason of the residence of zilladars in any particular village.

(e) Government sees no justification to depart from its present policy, which is to construct quarters for zilladars gradually, having regard (a) to the stage of development of the Canal concerned and the degree of permanence which can be attributed to a particular zilladar's sectional boundary, and (b) to the existing state of the Provincial funds available for such quarters.

QUARTERS OF CANAL OVERSEERS.

***4786. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the present design of the quarters of the canal overseers is very defective ;
- (b) whether there is no regular ventilation provided in them ;
- (c) whether no bath room is provided in such quarters ;
- (d) whether the Government is prepared to make suitable changes in the design of the quarters meant for overseers, zilladars and munshis ;
- (e) whether the Government is prepared to construct a regular bath room in all the quarters of the subordinates of the Canal Department ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Regular ventilation is provided.

[Hon. Nawab Muzaffar Khan.]

(c) A bathing place is provided.

(d) Government considers that the present sanctioned types of quarters for subordinates of the Irrigation Branch, Public Works Department, are generally suitable, and is not in a position to embark on expensive remodeling.

(e) No. Government considers the bathing place already provided adequate.

PUNKHA COOLIES TO ZILLADARS AND CANAL OVERSEERS.

***4787. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether naib-tahsildars are given punkha coolies by the Government during office time in the summer season ;
- (b) whether *ahalmads* in the Irrigation Department are also supplied with punkha coolies ;
- (c) whether sub-divisional clerks are given punkha coolies during office time in the summer days ;
- (d) whether zilladars and canal overseers are not given any punkha coolies ;
- (e) whether the Government is prepared to allow punkha coolies to zilladars and canal overseers during summer days for their office use ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a), (b) and (c) Yes.

(d) No.

(e) No. The work of these officials keeps them out of doors during the greater part of the day.

GROWING OF VEGETABLES IN ZILLADARS' AND OVERSEERS' QUARTERS.

***4788. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether there is any land attached to zilladars and overseers' quarters built by the Government for growing vegetables, etc. ;
- (b) whether with the bungalows of Executive Engineers and Sub-Divisional Officers there is always a good deal of land attached ;
- (c) whether they can grow vegetables, etc., for their private use in that land ;
- (d) whether the Government is prepared to allow some land with every quarter of a zilladar and an overseer for growing vegetables, etc. ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Yes.

(c) Yes.

(d) No. On account of the heavy expense which such a concession would involve and the claims for similar concessions which would result from subordinates of other departments.

SUPPLY OF FUEL WOOD TO ZILLADARS AND MUNSHIS.

***4789. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether office clerks and sub-divisional munshis and *ahalmads* are supplied with fuel wood for fire places in the office during winter ;
- (b) whether zilladars and canal overseers are not supplied with fuel wood for office during winter months ;
- (c) whether Government is prepared to allow fuel wood to zilladars and their munshis for office fire places for winter months ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) The duties of zilladars, their munshis and overseers lie mainly out of doors and the amount of indoor office work they have to do does not warrant an issue of fuel wood for their office.

OFFICE FURNITURE TO OVERSEERS AND ZILLADARS.

***4790 Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Government does not supply overseers and zilladars with any office furniture ;
- (b) whether zilladars and overseers are supposed to procure furniture for their office at their own cost ;
- (c) whether Government expects zilladars and overseers to sit on the floor and work ;
- (d) whether even the tables and chairs are not provided to these officers by the Government ;
- (e) whether Government is aware that sometimes respectable zamindars also have to visit the above officials on business ;
- (f) whether sometimes title-holders and *kursi-nashins* and other respectable people include the list of such visitors ;
- (g) whether the fact that no office furniture is supplied to zilladars and overseers has ever been brought to the notice of the Government ;
- (h) if so, what action Government has taken on it ; and whether Government is prepared to supply these officers with office furniture now ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) No.

(d) Yes.

(e) Yes.

(f) Yes.

(g) Yes. It has been brought to the notice of Government.

(h) Government—when finances may permit—intends to supply the minimum essential.

OFFICE ACCOMMODATION TO ZILLADARS.

***4791. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that zilladars have to pay rents for their offices at places where no offices are built for them ;
- (b) whether it is a fact that Government does not allow any rebate of rent to zilladars for the office room provided in their quarters ;
- (c) if the reply to the above be in the affirmative, whether Government is prepared to allow office rent or rebate of rent in this respect to zilladars ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) No. Government has considered this question and has decided that the existing financial position precludes the grant of the rent or rebates specified.

GARNISHEE SUITS.

***4792. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) the year in which the High Court framed a rule allowing garnishee suits ;
- (b) the number of garnishee suits during 1933, 1934 and 1935 in the districts of Rohtak, Karnal, Hoshiarpur, Muzaffargarh and Jhelum ;
- (c) the number and value of debts attached in the execution of garnishee decrees in the court of Senior Sub-Judge of Rohtak in 1933, 1934, and the first quarter of 1935 ;
- (d) how the value of the debts attached compared with the value of the garnishee decrees referred to in (c) ;
- (e) how many of the decrees referred to in (c) were obtained as a result of private arbitration ;
- (f) how many of the decrees referred to in (c) were obtained by mahajans against mahajans ;
- (g) how many of the decrees referred to in (c) were instalment decrees and how many of them contained a stipulation that on default of any one instalment the whole decretal amount would become payable at once ;
- (h) what was the longest and what was the shortest period the expiry of which made the penal clause operative in respect of the decrees referred to in (g) ;
- (i) the nett loss of stamp duty in respect of the decrees referred to in (e) ;
- (j) the nett loss of stamp duty in consequence of attachment of debts referred to in (c), that is, the loss occasioned by the rule permitting the attachment of debts without any regular suits having been presented or a decree having been obtained in respect of them ?

The Honourable Mr. D. J. Boyd : (a) 1932.

(b)—(j) A statement is laid on the table.

HOLIDAYS IN HIGH COURT.

***4793. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state the length of the annual vacation, the number of holidays (including Sundays) and the number of half holidays allowed in the High Court in 1933, 1934 and 1935 ?

The Honourable Mr. D. J. Boyd : The length of the High Court vacation in the years 1933, 1934 and 1935 was 78, 72 and 75 days respectively, while the number of holidays (including Sundays) in those years was 98, 84 and 81 days respectively. There were no half holidays.

HOLIDAYS IN GOVERNMENT COLLEGE, LAHORE.

***4794. Rao Bahadur Chhotu Ram :** Will the Honourable Minister for Education kindly state the length of the annual vacation, the number of holidays (including Sundays) and the number of half-holidays allowed in the Government College, Lahore, in 1933, 1934 and 1935 ?

The Honourable Malik Sir Firoz Khan Noon : A statement giving the required information is placed on the table :—

Statement.

Year.	Length of vacation.	Number of holidays including Sundays.	Number of half holidays.
1933	Two months and 21 days from 3rd July, 1933, to 23rd September, 1933.	50	3
1934	Two months and 22 days from 2nd July, 1934, to 23rd September, 1934.	54	3
1935 (January to 7th October, 1935.)	Two months and 29 days from 6th July, 1935, to 3rd October 1935.	35	1

SERVICE OF OFFICERS IN DISTRICT CHARGE.

***4795. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state—

(a) the length of service on the 15th January, 1935, of the officers who held charge of various districts in the Punjab ;

(b) the length of service on the 15th of January, 1895 and 1915, of the officers who held charge of various districts in the Punjab ?

Mr. F. H. Puckle (Chief Secretary) : A statement showing the length of service of the various Deputy Commissioners in the Punjab on the 1st of January, 1895, 1st of January, 1915, and 1st of January, 1935, is laid on the table.

*Statement.*LENGTH OF SERVICE OF THE VARIOUS DEPUTY COMMISSIONERS ON 1st
JANUARY, 1895, 1915 AND 1935.

District.	(a) 1895.	(b) 1915.	(c) 1935.
	Y. M. D.	Y. M. D.	Y. M. D.
Hissar	13 2 20	16 2 14	7 2 13
Rohtak	4 3 11	17 2 9	6 2 26
Gurgaon	6 0 0	20 2 18	27 11 16
Karnal	5 1 0	18 2 4	26 1 27
Ambala	7 0 18	19 2 1	7 2 23
Simla	23 2 0	29 7 21	11 3 26
Kangra	22 2 14	17 2 6	23 2 6
Hoshiarpur	8 4 28	26 10 25	22 7 17
Jullundur	18 1 13	21 4 1	31 8 0
Ludhiana	14 1 15	18 2 4	13 0 18
Ferozepore	22 2 14	17 2 9	8 2 12
Lahore	12 2 6	20 2 1	13 0 18
Amritsar	32 8 19	22 3 25	8 2 4
Gurdaspur	23 2 0	21 2 8	6 0 26
Sialkot	15 8 15	21 2 29	7 2 7
Gujranwala	9 1 11	16 2 0	29 4 17
Sheikhpura .. ..	.. .. .	.. .. .	26 6 18
Gujrat	13 9 28	14 8 16	27 11 20
Shahpur	17 1 1	23 3 1	11 2 4
Jhelum	22 2 14	15 2 6	8 2 14
Rawalpindi	33 8 0	25 4 12	21 2 11
Attock .. .. .	.. .. .	16 2 16	23 2 6
Mianwali .. .. .	.. .. .	18 2 27	5 2 22
Montgomery	5 0 17	24 8 13	7 2 17
Lyallpur .. .. .	.. .. .	21 2 8	6 2 19
Jhang	20 2 29	8 2 7	11 2 5
Multan	16 2 3	29 4 2	5 2 16
Muzaffargarh	7 7 29	25 11 14	24 9 0
Deer Ghazi Khan ..	24 2 0	28 4 6	6 2 21

ADMISSIONS ALLOWED TO AMBALA DIVISION AT NORMAL SCHOOL,
JULLUNDUR.

*4796. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Education kindly state—

- (a) the number of admissions which were to be allowed to the Ambala division at the Normal School of Jullundur ;
- (b) the admissions which actually went to the candidates belonging to the Ambala division ;
- (c) whether it is a fact that some of the vacancies which, under the orders of the Director of Public Instruction, were meant to go to the Ambala division went in fact to candidates belonging to the Jullundur division ;
- (d) if the answer to (c) is in the affirmative, who is responsible for this departure from the orders of the Director of Public Instruction ;
- (e) if the answer to (c) is in the affirmative, whether (i) the previous sanction of the Director of Public Instruction was obtained, or (ii) the departure with the reasons for the same has been intimated to the Director of Public Instruction ; and, if so, when ; if not why not ?

The Honourable Malik Sir Firoz Khan Noon : (a) 40.

(b) 42.

(c) No.

(d) and (e) Do not arise.

“ GHAIK MUMKIN ” LAND.

*4797. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the land comprised in the bed of a water-course was previously shown as “ *ghaik mumkin* ” and was not assessed to water-rates ;
- (b) whether the old practice has now been directed to be changed with the result that water-rates will be charged in respect of such land ;
- (c) the approximate area in the province of the class of land referred to in (a) ?

The Honourable Nawab Muzaffar Khan : (a) Land under common main and branch water-courses, which are not assessable to land revenue, has always been exempt from assessment of *abiana* and that procedure is still in force.

But in the case of subsidiary water-courses constructed on private land and altered at the discretion of the cultivator the land where assessed to land revenue is also charged *abiana*.

(b) No. The only orders recently issued are on the subject of land revenue and aim at uniformity of procedure in the treatment of land under subsidiary water-courses.

(c) The collection of the desired information would involve an immense amount of labour quite incommensurate with its value, and in view of the above reply to (a) it is presumably no longer desired by the honourable member.

"GHAIR MUMKIN" LAND.

***4798. Rao Bahadur Chhotu Ram :** Will the Honourable Revenue Member kindly state whether the question of the land comprised in the beds of water-courses being made assessable to water-rate was ever placed before a meeting of the Standing Committee on Canals or the representatives of the various groups in the Council were, formally or informally, consulted about it?

The Honourable Nawab Muzaffar Khan : No. The honourable member is referred to the reply to his question No. *4797 (prepag-).

PRESSURE ON JUDGMENT-DEBTORS.

***4799. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state whether his attention has been drawn to the pressure which is brought to bear on judgment-debtors by false reports of resistance made by the executing agency of civil courts in collusion with decree-holders?

The Honourable Mr. D. J. Boyd : Government have no reason to believe that the civil process serving establishment has been colluding with decree-holders in the manner suggested in this question.

RESISTANCE BY JUDGMENT-DEBTORS.

***4800. Rao Bahadur Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) the number of reports of resistance alleged to have been offered to the executing agency of civil courts by judgment-debtors in 1926, 1930 and 1934 respectively in the Rohtak district ;
- (b) the number of instances referred to in (a) in which criminal prosecutions were started and the results of those prosecutions classified as (i) compromise, (ii) withdrawal, (iii) acquittal, and (iv) conviction?

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

Statement.

Year.	PART (a)		PART (b).			
	Number of reports of resistance to the execution of civil court processes by judgment-debtors in the Rohtak district.	Number of cases (out of those referred to at (a)) in which criminal prosecutions were undertaken.	RESULT OF THE PROSECUTIONS.			
			Compromised.	Withdrawn.	Cases ended in acquittal.	Cases ending in conviction.
1926 .. .. .	..	..	..	..	..	..
1930 .. .. .	..	..	..	..	..	..
1934	16	10	3	..	2	5

APPLICATIONS FOR ARREST OF JUDGMENT-DEBTORS.

***4801. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state in respect of the district of Rohtak ?

- (a) the number of instances in which notices to show cause why they should not be arrested have been issued to judgment-debtors after the 19th April, 1935 ;
- (b) the number of witnesses examined and documents produced to prove contumacy in each case before these notices were issued ;
- (c) the number of cases in which the application for the issue of a warrant of arrest or the issue of a notice was rejected and the proportion which rejections of such applications bore to the total number of these applications ?

The Honourable Mr. D. J. Boyd : (a) 207.

(b) No witnesses were examined or documents produced in any of these cases before the notices to show cause were issued.

(c) Government have not yet been able to obtain complete information. An endeavour will be made to furnish it to the honourable member subsequently.

COMMUNAL REPRESENTATION AMONG SUBORDINATES IN THE AGRICULTURAL DEPARTMENT.

***4802. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) the total number of agricultural assistants, clerks and *mukaddams* recruited during the last 5 years ;
- (b) the number of Muslims, Sikhs and Hindus among the persons referred to in (a) and the number of statutory agriculturists under each of the three main groups ;
- (c) the number of Muslim, Sikh and Hindu agricultural assistants, clerks and *mukaddams*, classed as statutory agriculturists and others, who were discharged in pursuance of the policy of retrenchment during the last five years ?

The Honourable Sardar Sir Jogendra Singh : (a) The total number of Agricultural Assistants, Clerks and Mukaddams recruited during the last five years ending 31st July, 1935, is 71, 31 and 43, respectively, or 145 in all.

(b) The number of Muslims, Hindus and Sikhs among the persons referred to in (a) and the number of statutory agriculturists under each is as follows :—

	Total number.			Statutory Agriculturists.		
	Hindus.	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.
Agricultural Assistants	19	23	28	8	23	28
Clerks ..	17	11	3	1	8	3
Mukaddams ..	3	30	9	2	29	9
Total ..	39	64	40	11	60	40

(c) The number of Muslims, Sikhs, and Hindu Agricultural Assistants, Clerks and Mukaddams, classed as statutory agriculturists and others, who were discharged in pursuance of the policy of retrenchment during the last five years ending 31st July, 1935, is as shown below :—

	Statutory Agriculturists.			Non-Agriculturists.		
	Hindus.	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.
Agricultural Assistants	1	11	20	6	..	1
Clerks .. ..	..	1	2	4	1	..
Mukaddams ..	3	35	18	1	..	..
Total ..	4	47	40	11	1	1

AGRICULTURAL ASSISTANTS.

*4903. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Agriculture kindly state—

- (a) the number of candidates who passed a two years' course from the Lyallpur College during the last three years ;
- (b) the number of persons referred to in (a) who have been employed as Agricultural Assistants of B—Class during the last three years ?

The Honourable Sardar Sir Jogendra Singh : (a) The number of students, who passed the Leaving Certificate Course in each of the last three years, is—

1932	..	..	..	..	6
1933	..	..	..	..	8
1934	..	..	..	..	7

(b) None of these men has been appointed " B " Class Agricultural Assistant permanently. One man of the 1934 class officiated in this grade in a leave vacancy of two months.

It may be added for the information of the honourable member that there is at present a large number of unemployed men, who possess the Degree of B.Sc. (Agri.) and who are more than willing to accept appointments as " B " Class Agricultural Assistants. In view of their much higher educational qualifications, they are being appointed to these posts when vacancies occur in preference to the much less highly trained Leaving Certificate men.

INSPECTORS OF CO-OPERATIVE SOCIETIES.

*4904. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Minister for Agriculture kindly state—

- (a) the total number of inspectors of co-operative societies in the Punjab ;

[R. B. Ch. Chhotu Ram.]

- (b) the total number of co-operative societies in the Punjab ;
 (c) the distribution of co-operative societies over the five revenue divisions ;
 (d) the number of inspectors drawn from each of the five revenue divisions ?

The Honourable Sardar Sir Jogendra Singh : (a) 139.

(b) 21,440.

(c) and (d)—

			<i>Number of Societies.</i>	<i>Number of Inspectors drawn from each divi- sion.</i>
(i) Ambala division	..	..	3,679	13
(ii) Julundur division	..	..	5,388	44
(iii) Lahore division	..	..	5,915	32
(iv) Rawalpindi division	..	..	3,604	26
(v) Multan division	..	..	2,854	20
		Total	21,440	135
Kapurthala State	..	..	..	2
Delhi Province	..	..	..	2
		GRAND TOTAL	..	139

EDUCATIONAL SERVICES.

*4805. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the total number of men serving in the Provincial Educational Service ;
 (b) the total number of men serving in the Subordinate Educational Service (A.-V. section) ;
 (c) the number of men serving in the two sections referred to in (a) and (b) drawn from each of the five revenue divisions respectively ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the Punjab Half Yearly Civil List and the History of Services of gazetted officers of the Education Department corrected up to 1st July, 1935, and also to the departmental list of the Subordinate Educational Service (Men's Branch) copies of which are in the Council library.

ADMISSION TO CENTRAL TRAINING COLLEGE, LAHORE.

***4806. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of candidates admitted to the Central Training College of Lahore in each of the last five years ;
 (b) the number of candidates drawn from each of the five revenue divisions in each of the last five years ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

1930-31	..	..	..	..	..	135
1931-32	..	..	..	..	..	152
1932-33	..	..	..	..	..	138
1933-34	..	..	..	..	..	152
1934-35	..	..	..	..	..	131

(b) A statement giving the required information is laid on the table.

It may be added for the honourable member's information that the relatively small number of admissions from the Ambala division is due to—

- (i) Paucity of applications from Mussalmans and Sikhs.
 (ii) Paucity of Hindu applicants with good qualifications.

The percentage of Hindus admitted from Hindu applicants of the Ambala division in each of the last five years exceeds the percentage of Hindus admitted from all Hindu applicants from all over the Province.

Statements.

Name of division.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.
Ambala	14	16	10	17	8
Jullundur	26	33	28	29	28
Lahore	51	43	50	51	38
Multan	20	24	16	23	19
Rawalpindi	15	27	16	16	23

ADMISSION TO CENTRAL TRAINING COLLEGE, LAHORE.

***4807. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of third division graduates admitted to the Central Training College this year ;
 (b) how many of the graduates referred to in (a) were Muslims, Sikhs and Hindus and how many in each of the three groups were statutory agriculturists ?

The Honourable Malik Sir Firoz Khan Noon : (a) 54 (58 to the S. A.-V. class and one to the B. T. class).

(b)—

	B.T.	S. A.-V.	Agr.
1. Muslims .. ..	..	31	25
2. Hindus .. ..	..	14	8
3. Sikhs	1	8	5
4. Christians .. ..	..	..	..

Most of these students are already J. A.-V. trained. Among the Hindus one student belongs to the depressed classes.

HINDU AGRICULTURISTS IN EDUCATIONAL SERVICE.

***4808. Rao Bahadur Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the attention of the Education Department has been drawn repeatedly to the meagre representation of statutory Hindu agriculturists in the branches of service under its control ;
- (b) whether it is a fact that the position of Hindu agriculturists in 1935 is either actually worse or no better than it was in 1927 both in the P. E. S. and S. E. S. (A.-V Section) ;
- (c) if the answer to (a) and (b) or either of them is in the affirmative, the steps which the Department has so far taken to improve the position ?

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

(b) In the Punjab Educational Service the position has improved while in the Subordinate Educational Service (A.-V. Section) it has slightly worsened.

(c) Action is already being taken to recruit Hindu agriculturists in adequate number in case duly qualified persons are available for service.

HINDU AGRICULTURISTS IN DIRECTOR OF PUBLIC INSTRUCTION'S OFFICE.

***4809. Rao Bahadur Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the number of clerks recruited to the Director of Public Instruction's office during the last ten years ;
- (b) how many of the appointments referred to in (a) have gone to statutory Hindu agriculturists ;
- (c) how many of the clerks in the office of the Inspector of Schools of Ambala are Hindus and how many of them are statutory agriculturists ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the gradation lists of the clerical establishment of the office of Director of Public Instruction, Punjab, and the establishments of offices subordinate thereto, corrected up to 1st April, 1935, which contain the required information and copies of which are in the Council library.

CLERKS IN THE EDUCATION DEPARTMENT.

***4810. Chaudhri Ram Sarup :** Will the Honourable Minister for Education kindly state—

- (a) the number of non-matriculate clerks in the Education Department working in junior grades promoted to the next higher grade of Rs. 40—2—90 during the period 1928 to 1934 ;
- (b) the number of such clerks ;
 - (i) who were appointed in temporary or officiating vacancies, and
 - (ii) who were appointed permanently, including those appointed on probation ?

The Honourable Malik Sir Firoz Khan Noon : (a) 2.

(b) (i) 1.

(ii) 1.

It will interest the honourable member to know that the one at (b) (i) above officiated from the 5th September, 1929, to the 11th November, 1929, only, and has since passed the Matriculation Examination in English only, while the other at (b) (ii) was originally promoted on one year's probation, but was subsequently reverted.

LAND ALIENATIONS.

***4811. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly place on the table of the House a statement showing by districts in respect of the years 1929, 1930, 1931, 1932, 1933 and 1934 :—

- (a) the amount of land which deputy commissioners sanctioned to be transferred under the Punjab Alienation of Land Act to persons not belonging to notified agricultural tribes ;
- (b) the amount of total considerations for which these alienations were sanctioned ;
- (c) the number of cases in which the sole or chief ground or one of the grounds was stated by the petitioner to be the repayment of debt ?

The Honourable Nawab Muzaffar Khan : It is regretted that the information is not available ; and its collection would entail expenditure that would not be in the public interest.

SALE OF AGRICULTURAL LAND IN ROHTAK DISTRICT.

***4812. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the Deputy Commissioner of Rohtak accorded sanction on three different occasions for sale of agricultural land belonging to Pirthi, son of Amrit, Jat of Roorkee, Teka, son of Amrit, Jat of Roorkee, and Kapura and others, sons of Tirkha, Jats of Roorkee, respectively, in favour of Kanhiya Lal, son of Mukh Ram, Mahajan, of the same village ;

[R. B. Ch. Chhotu Ram.]

- (b) whether it is a fact that the sole or chief reason for sale was stated by the petitioner to be repayment of debt ;
- (c) the area of land comprised in the three sales ;
- (d) the amount of money for which the sales were sanctioned ;
- (e) whether Government is prepared to move the Financial Commissioner on the revision side in these cases ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Except with regard to Teka who did not sell any land to Kanhiya Lal, the reply is in the affirmative.

(b) Yes, the reason stated by the alienors being the liquidation of their secure and insecure debts. As regards the sale by the sons of Tirkha, an additional reason was that they being residents of Bahuakbarpur wanted to dispose of their land in village Roorki.

(c) and (d) Pirthi sold 11 bighas and 8 biswas for Rs. 5,603.

Bhaunra, Nanhu and Phulu, sons of Tirkha, sold 16 bighas and 10 biswas for Rs. 6,000.

(e) The sales took place in 1930-31. Government after the lapse of so long a time sees no reason, as at present advised, to interfere in a matter in which the parties primarily interested have acquiesced.

MUNICIPAL EXECUTIVE OFFICERS.

***4813. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the number and names of municipalities where Executive Officers have been appointed ;
- (b) whether these Executive Officers have been appointed by the Government or elected by municipalities ;
- (c) in how many cases Executive Officers have been appointed ;
- (d) in how many cases friction has arisen between the Chairman and Vice-Chairman and the Executive Officer ?

The Honourable Dr. Sir Gokul Chand Narang : (a) There are 12 municipal committees which have Executive Officers, viz., Bhiwani, Ambala, Rupar, Ludhiana, Lahore, Kasur, Khem Karan, Amritsar, Jandiala, Multan, Jhang and Sialkot.

(b) and (c) All the Executive Officers, except those at Bhiwani, Rupar and Jandiala, were appointed by Government.

(d) There was occasional friction between the Executive Officer and the President in the municipalities of Bhiwani, Ludhiana, Lahore, Kasur, Multan and Sialkot.

INSPECTION FEES OF JUDICIAL RECORDS.

***4814. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that for the inspection of a judicial record in the lower courts of this province a fee of rupees two is charged

for the first hour and an additional fee of rupee one for every subsequent hour of inspection ;

- (b) whether it is a fact that in the lower appellate courts of this province, the same fees are charged and in the same manner as mentioned in (a) for the inspection of the judicial records of both the lower court and the lower appellate court ;
- (c) whether it is a fact that in the High Court of Judicature at Lahore only rupee one is charged as fee for the inspection of judicial records of the lower court, lower appellate court and the High Court irrespective of the number of hours of inspection ;
- (d) if answer to (c) be in the affirmative, reasons for charging rupees two for the first hour and rupee one for every subsequent hour for the inspection of judicial records mentioned in (a) and (b) ?

The Honourable Mr. D. J. Boyd : (a) The rate is one rupee per hour or part of an hour for ordinary inspections and two rupees per hour or part of an hour for urgent inspections, in addition to a search fee of one rupee in each case.

(b) Yes.

(c) One rupee per day for ordinary inspections and five rupees per day for urgent inspections.

(d) Proposals for the adoption of a uniform scale are under consideration.

BAR ROOMS.

***4815. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to lay on the table a list of the headquarters of those districts and tahsils in the Punjab where there are no bar rooms for the legal practitioners attached to the courts there together with the reasons thereof ?

The Honourable Mr. D. J. Boyd : Bar rooms already exist at the headquarters of every district in the province. A list is laid on the table showing those tahsil headquarters, other than headquarters of a district, where no rooms have been hitherto provided for the bar. At most of these places there are only two or three practising lawyers, if so many, and the construction of special rooms would scarcely be justified.

List of Tahsil headquarters where no Bar Rooms at present exist.

District.	Tahsil.
Rohtak	Gohana.
Gurgaon	Rewari.
	Nuh.
	Ferozpur-Jhirka.
	Palwal.
	Ballabgarh

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

District.	Tahsil.
Karnal	Panipat. Kaithal. Thanesar.
Ambala	Naraingarh. Kharar. Rupar.
Simla	Kot Khai.
Kangra	Nurpur. Dehra. Hamirpur. Palampur. Kulu.
Jullundur	Nakodar. Phillaur. Nawanshahr.
Ferozepore	Muksar.
Gurdaspur	Shakargarh.
Sheikhupura	Nankana Sahib.
Gujrat*	Kharian. Phalia.
Shahpur	Bhalwal.
Rawalpindi	Kahuta Gujar Khan.
Attock	Fatehjang. Tallagang.
Mianwali	Isa Khei.
Montgomery	Okara. Dipalpur. Pakpattan.
Lyallpur	Toba Tek Singh. Samundri. Jaranwala.
Jhang	Shorkot.
Multan	Shujabad. Lodhran. Kabirwala.
Muzafergarh	Alipur. Kot Adu.
Dera Ghazi Khan	Sangar. Jampur.

STRIKE IN MUSLIM PRINTING PRESS, LAHORE.

*4816. **Mr. M. A. Ghani** : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the workers of the Muslim Printing Press, Lahore, went on strike on the 25th June, 1935 ;
- (b) if so, reasons for their going on strike ;
- (c) whether it is a fact that some of the workers resorted to picket the press in question on that night ;
- (d) whether it is a fact that the picketeers were arrested by the sub-inspector, Gwalmandi Police Station, Lahore ; if so, their names and addresses ;
- (e) whether it is a fact that the arrested persons were unconditionally released there and then without having been prosecuted in a court of law ;
- (f) if so, reasons for (i) their arrest and (ii) their release ;
- (g) whether it is a fact that the City Magistrate, Lahore, interfered with the strike ;
- (h) if so, reasons for his interference ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Because the workers were not being paid by the keeper of the press regularly and their wages were in arrears.

(c) Yes.

(d) No.

(e) and (f) Do not arise.

(g) The City Magistrate went to the press to settle the dispute.

(h) A breach of the peace was considered possible.

PRICE OF THE REPORT ON THE WORKING OF THE MUNICIPALITIES IN THE PUNJAB.

*4817. **Mr. M. A. Ghani** : Will the Honourable Revenue Member be pleased to state —

- (a) whether it is a fact that the price of " the report on the working of the municipalities in the Punjab during the year 1932-33 " is Rs. 17 per copy ;
- (b) whether he is aware that the price of " the resolution reviewing the reports on municipal taxation and expenditure in the Bombay Presidency (including Sind) for the year 1931-32 " is only annas 15 ;
- (c) whether it is a fact that the size and quality of the paper and printing of both the analogous publications mentioned in (a) and (b) are the same or almost the same ;
- (d) whether it is a fact that pages of the Punjab report are 108 ; while those of the Bombay report are 135 ;

[Mr. M. A. Ghani.]

- (e) if he answers to (c) and (d) or any of them be in the affirmative, reasons for putting the price of the Punjab report as much as 18 times the price of the Bombay report ;
- (f) whether it is a fact that the high price of the Punjab report deters many people from buying it and studying it and thus acquiring some knowledge about the working of the municipalities in the Punjab ;
- (g) what steps have been taken to bring the price of the Punjab report to the level of that of the Bombay report ;
- (h) if answer to (g) be in the negative, the reasons for not taking steps mentioned in (g) ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) Yes.

(d) Report of this province for 1932-33 contains 113 pages and that of the Bombay Government for 1933-34 contains 153 pages.

(e) The price of the report published by the Bombay Government has been fixed after excluding the cost of composition and "make ready," while that of the report of this province is inclusive of such charges, hence the difference in price.

(f) Not known.

(g) and (h) This suggestion will be considered by Government.

PRICE OF THE PUNJAB MUNICIPAL ACT, 1911.

*4818. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the price of the Punjab Municipal Act, 1911, as modified up to the 30th April, 1934, and printed by the Superintendent, Government Printing, Punjab, in 1934, is Re. 1-4-0 ;
- (b) whether he is aware that the price of the Bombay Municipal Boroughs Act, 1925, as modified up to the 15th May, 1932, and printed at the Government Central Press, Bombay, in 1932, is only annas 7 ;
- (c) whether it is a fact that the size and quality of the paper and printing and the number of pages of both the analogous publications are the same or about the same ;
- (d) reasons for putting the price of the Act mentioned in (a) as much as three times the one mentioned in (b) ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) The size and style of printing are practically the same in both cases, but the quality of paper used for the Punjab Act is superior to that used by the Bombay Government.

(d) The price of the Act published by the Bombay Government has been fixed after excluding the cost of composition and "make ready," while that of the Act issued by this province is inclusive of such charges; hence the difference in price.

Mr. M. A. Ghani : I understand that the quality of paper used in the case of the Punjab Act is superior to that used in the case of the Bombay Act. Is the Government prepared to lower the quality of the paper used for the Punjab Act and thus bring down the price of the Punjab Act to the level of the Bombay Act?

The Honourable Nawab Muzaffar Khan : I do not think that the quality of paper used makes much difference. The real reason for the difference in price is that the Bombay Government is selling its publications at a loss, whereas we are not.

PRICES OF THE PUNJAB GOVERNMENT PUBLICATIONS.

*4319. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) who fixes the prices of the various publications published by the Punjab Government;
- (b) on what basis the prices are fixed?

The Honourable Nawab Muzaffar Khan : (a) The Book Depot under the control of the Superintendent, Government Printing, Punjab, as is provided in paragraph 9.5 of Printing and Stationery Manual.

(b) The cost is worked out on the basis of the costing system in force in this press and in all Government presses in India.

Mr. M. A. Ghani : Do the salaries paid to the officers of the press form the basis for the fixing of the prices of the reports and other publications of the Government?

The Honourable Nawab Muzaffar Khan : I think not.

JUDICIAL FORMS.

*4820. **Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the litigants in the Punjab have to buy the various judicial forms prescribed by law and required by them for their respective purposes;
- (b) whether he is aware that in the railway, post office, telegraph, income-tax, revenue departments, etc., various prescribed forms pertaining to them are supplied free of cost;
- (c) if so, the reasons for charging the cost of the judicial forms?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

JUDICIAL FORMS.

***4821. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to lay on the table a statement showing the various judicial forms prescribed by law together with their authorised prices and the basis on which they are fixed ?

The Honourable Mr. D. J. Boyd : This has been answered in my reply to question No. *4820 (prepage).

FINANCIAL ADVISER TO THE CO-OPERATIVE DEPARTMENT.

***4822. Mr. M. A. Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) since when the post of the Financial Adviser to the Co-operative Department has been created ;
- (b) who was appointed for this post and the nature of his qualifications ;
- (c) whether any public advertisement was issued and applications invited ; if not, why not ;
- (d) whether it is a fact that the Financial Adviser has gone on long leave several times and no one has ever been appointed to officiate for him during his absence on leave ;
- (e) if so, whether the work of the Co-operative Department has suffered in any manner during the absence on leave of the Financial Adviser ;
- (f) if not, the reasons for keeping him ?

The Honourable Sardar Sir Jogendra Singh : (a) Since October 16, 1928.

(b) Mr. P. D. Macpherson. His qualifications for the post were a thorough knowledge and 25 years' practical experience of banking in India.

(c) Yes.

(d) Mr. Macpherson went on leave from 2nd May, 1931 (afternoon) to 2nd November, 1931, and has again been granted leave for six months from 2nd May, 1935 (afternoon). His work has, as a temporary expedient, been distributed between other officers of the department.

(e) It has been possible to carry on the work for these periods without serious detriment, but it has involved extra work to already hard-worked officers, a temporary relaxation of the standard of supervision over the audit of central banks and the postponement of certain questions till the Financial Adviser's return. It would not be possible to carry on these arrangements for a longer period than six months.

(f) Because his experience and advice are of the utmost value in directing the financial operations of co-operating banks and in safeguarding the very large amount of Government and public money involved in these operations.

EXCISE ASSISTANT TO FINANCIAL COMMISSIONER.

***4823. Mr. Muhammad Din Malak :** Will the Honourable Minister for Agriculture please state—

- (a) the date since Lala Narsingh Das is holding the post of Excise Assistant to the Financial Commissioner ;
- (b) whether it is a fact that the present incumbent has been occupying the position of Excise Assistant for more than six years past ;
- (c) whether it is a fact that time and again there have been Council questions on the subject but for one reason or another Government have not taken any action so far ;
- (d) whether it is a fact that there are others with better claims who are also equally competent and whose eligibility for the post can only be considered on the transfer of the present incumbent ;
- (e) whether in view of what is stated in (b) , (c) and (d) above, Government propose to take any action in the matter ; if so, what ; if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) 10th June, 1929.

- (b) Yes.
- (c) Only two questions have been asked. The answering of a question does not imply that any action will be taken.
- (d) I cannot answer the question as qualifications and claims of other officers have not been considered.
- (e) Does not arise.

BRIDGE OVER RAILWAY PREMISES, SIALKOT.

***4824. Mr. Muhammad Din Malak :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that the North-Western Railway authorities have recently constructed a wall about 9 feet high along the Sialkot Railway Station which covers a distance of one mile in length ;
- (b) whether it is a fact that there is a newly populated mohalla and almost all the graveyards within the municipal area are on the other side of the wall in question ;
- (c) whether he is aware that the railway authorities by not providing any bridge have put the people of the city under great inconvenience who must travel a whole mile to get in touch with the new mohalla, which is isolated from the rest of the town ;
- (d) whether he is aware that the Municipal Committee, Sialkot, passed the following resolution :—

“ No. 297, dated 10th May, 1935.”

“ The inhabitants of the newly populated mohalla to the north of the railway premises between the Artillery and the Commissioner roads are absolutely separate from the

[Mr. Muhammad Din Malak.]

rest of the town and experience great inconvenience in getting their supplies and especially medical aid at the time of need. It is therefore proposed that the railway authorities be requested to provide one or two bridges over the railway premises to facilitate passage as early as possible."

(e) whether he is aware that the railway authorities have informed the committee that they would only construct a bridge if the committee undertook to foot the bill ;

(f) what action the Government propose to take in the matter in order to meet the urgent need of the inhabitants of Sialkot ?

The Honourable Nawab Muzaffar Khan : (a) The present wall which is 7 feet in height and is 1,324 feet and 1,925 feet in length on the northern and southern boundaries of the yard, respectively is merely a replacement of the old 5 feet high wall that had existed since the construction of the yard.

(b) Yes.

(c) The mere substitution of a high wall for a low wall to prevent the people from jumping over it or breaking through it, does not render the railway, under the Railway Act, liable to provide a foot overbridge.

There was and is no authorised pathway through the yard except through the two level crossings (one at either end of the yard) situated 3,200 feet apart, which give access to the new *abadi* by making a detour of about half a mile.

(d) Yes.

(e) Yes.

(f) The railway is prepared to consider the feasibility of the provision of a foot overbridge, provided the municipality undertakes to bear its entire cost and subsequent maintenance charges.

EXECUTION OF MONEY DECREES IN ROHTAK.

*4825. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state the number of cases in which the houses belonging to agriculturist judgment-debtors have been (a) attached or (b) sold in the execution of ordinary money decrees on the strength of substituted service in the civil courts of the Rohtak district in 1933, 1934 and 1935 ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

OBJECTIONS AGAINST ATTACHMENT OR SALE IN EXECUTION OF DECREES IN ROHTAK.

*4826. **Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state in how many cases in the Rohtak district objections against attachment or sale effected in the absence of personal service on the judgment-debtor were accepted and in how many cases they were rejected in 1933, 1934 and 1935 ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

—————
OBJECTIONS UNDER ORDER 21, RULE 58 OF THE CIVIL PROCEDURE
CODE.

***4827. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that in objections under order 21, rule 58, of the Civil Procedure Code, the burden of proof is on the objector ;
- (b) the proportion to the total number of objections referred to in (a) of the cases in which these objections were accepted by the civil courts of the Rohtak district in 1933, 1934 and 1935 ?

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

(b) 1933..	..	..	..	..	94·1%
1934..	..	..	..	..	27·8%
1935..	..	..	..	..	31·3%

—————
TEMPORARY ALIENATION.

***4828. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly state the number of cases in which the recommendation of the collector for temporary alienation has not been accepted by the civil courts of the Rohtak district in 1933 and 1934 and how the cases of acceptance and rejection compare with each other ?

The Honourable Mr. D. J. Boyd : The statistics on this subject are kept by the agricultural year. The figures for the Rohtak district are :—

	<i>Collector's advice followed.</i>	<i>Collector's advice not followed.</i>
Agricultural year 1932-33 ..	68	21
Agricultural year 1933-34 ..	26	9

The figures given here relate exclusively to cases in which the land attached was protected from sale by section 16 of the Punjab Alienation of Land Act, 1900. Cases referred to the collector with a view to his intervention under section 72 of the Code of Civil Procedure are not included.

—————
CANDIDATES WITH PROFICIENCY IN URDU OR HINDI AND B. A.
EXAMINATION.

***4829. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education please state—

- (a) whether he is aware that the Punjab University has ruled that no candidate who has passed Proficiency or High Proficiency examination in Urdu or Hindi, can sit in the examination in English only, for the degree of B.A., to be held in 1936 ;

[Ch. Allah Dad Khan.]

(b) whether he is aware that this rule will cause great hardship to those candidates in (a) who were allowed the concession to appear in the B.A. (English only) examination of 1935 but failed to pass it ;

(c) if the answer to (b) is in the affirmative, whether he intends to take any steps to remove the hardship ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes. A copy of the regulations relating to qualifying in English only after passing an examination in an oriental classical language or an Indian vernacular is placed on the table. These regulations were sanctioned by the Punjab Government in January, 1933, but as will be seen from the foot-note, are to be operative in certain cases with effect from 1936.

(b) No. The candidates were given three years' notice.

(c) Does not arise.

Chaudhri Allah Dad Khan : Suppose a man appears for the last time and fails ?

The Honourable Malik Sir Firoz Khan Noon : I am afraid I cannot answer that question without notice.

Regulations relating to qualifying in English only after passing an examination in an Oriental Classical Language or an Indian Vernacular.

1. A candidate who has passed a Proficiency examination in an Oriental Classical Language or a Proficiency Examination in an Indian Vernacular may be permitted to qualify in English only of the M. S. L. C. standard by taking the English papers only of the M. S. L. C. Examination and, if successful, shall receive a certificate to that effect.

2. A candidate who has passed a High Proficiency Examination in an Oriental Classical Language or High Proficiency Examination in an Indian Vernacular may be permitted to qualify in English only up to the Intermediate standard by taking in different years the English papers only of the M. S. L. C. Examination and of the Intermediate Arts Examination and, if successful, shall receive certificate to that effect. Provided that if such candidate has either passed the M. S. L. C. Examination or has qualified in English only of the M. S. L. C. standard by taking the English papers only of the M. S. L. C. Examination, he may take the Intermediate English papers after passing the necessary examination in an Oriental Classical or Vernacular Language.

3. A candidate who has passed an Honours Examination in an Oriental Classical Language or in an Indian Vernacular may be permitted to qualify in English only up to the standard of the Bachelor of Arts Examination. For this purpose he may take the English papers only of the M. S. L. C., Intermediate and B. A. Examinations successively in different years and, if successful, shall receive certificates to that effect. Provided that if a candidate has already passed the M. S. L. C. Examination or the Intermediate Examination he shall not be required to qualify again in English only in these examinations.

4. A candidate who has passed an Honours Examination in an Oriental Language and has qualified in English of the B.A. standard under regulation 3 above shall be eligible for admission to the Degree of Bachelor of Arts.

A candidate who has passed the Intermediate Examination in English only after passing an examination in an Indian Vernacular, shall be admitted to the B.A. Degree if he subsequently first passes an Honours Examination in an Oriental Classical Language and then passes the B.A. test in English.

A candidate who appears and passes in the B.A. Examination in English only after taking Honours in an Indian Vernacular shall not be given the degree, if he passes the Honours Examination in a Classical Language afterwards.

NOTE.—The above rules would not apply for three years to those candidates who have passed the various Vernacular Languages or Oriental Titles Examinations in 1932 or before. Such cases would be governed by the Old Regulations—*vide* paras. 12, 7-A and 11-A on pages 162-163, 167-168 and 189-90, respectively of the Calendar (1931-32 edition).

MR. IMAM BUX, DISTRICT INSPECTOR OF SCHOOLS, DERA GHAZI KHAN.

***4830. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (a) the total length of service of Mr. Imam Bux, District Inspector of Schools, Dera Ghazi Khan ;
- (b) whether he is aware that he is a native of Dera Ghazi Khan ;
- (c) for how many years he has served in Dera Ghazi Khan district alone ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member is referred to the gradation list of the Subordinate Educational Service corrected up to 1st April, 1935, copies of which are placed in the Council Library.

(b) Yes.

(c) About nineteen years. It may, however, be added for the honourable member's information that Dera Ghazi Khan is educationally a backward district and that its peculiar conditions require that it should have as far as possible educational officers who are natives of the district. An outsider, besides being unwilling to go there, must be unfamiliar with the local dialect and cannot, therefore, be expected to do much in the way of popularising education among the people, especially in the rural areas.

Rai Bahadur Lala Sewak Ram : Is it not a rule that generally officers are not posted to their home districts ?

The Honourable Malik Sir Firoz Khan Noon : There is no rule on the subject.

Rai Bahadur Lala Sewak Ram : There may be a convention that they are not so appointed. I know that sub-judges in the P. C. S. are not appointed.

The Honourable Malik Sir Firoz Khan Noon : There is a lot of difference between sub-judges and education officers who are humble servants of their people and exercise no authority like judges and magistrates.

Rai Bahadur Lala Sewak Ram : Is it not a rule that they are transferred after three years from one place ?

The Honourable Malik Sir Firoz Khan Noon : There is no rule ; it rests at the discretion of the head of the department.

Rai Bahadur Lala Sewak Ram : Why should I always be referred to gradation lists ; they are not always available. The question is simple and it could be answered. What is his office doing ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member would have saved himself and the department the trouble of answering this question if he had looked at those lists.

Rai Bahadur Lala Sewak Ram : The department is meant for this purpose.

The Honourable Malik Sir Firoz Khan Noon : It is not meant for the purpose of saving you labour and time ; it is meant to serve the public.

EDUCATION DISQUALIFICATION AGAINST GIANI KARTAR SINGH.

*4831. **Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that Giani Kartar Singh, son of Bhai Bhagat Singh, was a member of the District Board, Lyallpur, in the year 1930, and that subsequently he was removed from its membership ;
- (b) the date and reason for his removal from such membership ;
- (c) whether that removal has the effect of disqualifying him from contesting a seat to the District Board in any future election ;
- (d) whether the Gandhi-Irwin pact under which he was released from the jail before the expiry of his sentence provided expressly or by implication that disqualification against contesting a seat on any elected body under the Government will be removed if an application is made by a disqualified prospective candidate ;
- (e) whether the said Giani Kartar Singh has applied to the Government for the removal of his disqualification ;
- (f) the action which Government proposes to take on his application ?

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

(b) He was removed on the 10th October, 1930, under section 14 (a) of the Punjab District Boards Act, 1883, on account of his having been convicted of an offence under section 124-A, Indian Penal Code.

(c) Yes, so long as the disqualification is not removed.

(d) No.

(e) Yes.

(f) Government have for the present rejected the application.

SADR KANUNGO, GURDASPUR.

*4832. **Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that since the constitution of the district of Gurdaspur as such, no Muslim has ever been appointed as sadr kanungo there ;
- (b) whether it is a fact that the Deputy Commissioner of Gurdaspur in 1933 promised to appoint a Muslim as a sadr kanungo on the occurrence of a vacancy there ;
- (c) whether he is aware that a vacancy occurred sometime ago in the district of Gurdaspur in the office of the sadr kanungo and that a non-Muslim was appointed to it temporarily ;
- (d) if the answer to (c) be in the affirmative, the reasons for it ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) No.

(c) Yes.

(d) Appointment is made by selection of the most suitable candidate available and not on communal considerations.

—
FOREST RANGERS.

***4833. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly state—

(a) whether any recruitment, either by promotion or by direct appointment, to the cadre of forest rangers has taken place during the last three years ;

(b) whether any candidates, either from the department or from outside, have been selected for training with a view to their appointment as forest rangers during the last three years ;

(c) if the answer to (a) or (b) be in the affirmative, whether the vacancies which were expected to occur were advertised in any of the papers ; if so, in which ;

(d) if the answer to (a) or (b) be in the affirmative, the names and tribe (not religion) of the candidates selected, whether any of these candidates were statutory agriculturists and whether they were outsiders or came from the department ;

(e) if the candidates referred to in (d) came from the department, whether they were related to anybody already serving in the department ;

(f) the educational qualifications of the candidates selected ;

(g) the dates of the last two selections ?

The Honourable Nawab Muzaffar Khan : (a) Yes, 4 forest rangers have been recruited direct and 2 have been promoted from deputy rangers.

(b) Yes, 2 deputy rangers have been sent for training in the Rangers' Course.

(c) The 4 directly recruited forest rangers were selected for training in the Rangers' Course in 1930 from a large number of candidates who applied in response to advertisements in the following newspapers :—

1. Civil and Military Gazette.
2. Tribune.
3. Muslim Outlook.
4. Paisa Akhbar.
5. Khalsa Samachar.
6. Islah Sarhad.
7. Inqilab.
8. Khalsa.
9. Punjab Government Gazette.
10. North-West Frontier Province Gazette.

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(d) The names and tribes, etc., are given below :—

Directly appointed.

1. Lala Chaman Lal, Kashatrya, Non-agriculturist.
2. Chaudhri Hardwari Lal, Jat, Agriculturist.
3. Khan Fazl Gul, Pathan, Agriculturist.
4. Chaudhri Muhammad Shafiq, Arain, Agriculturist.

Promoted.

5. Chaudhri Khan Muhammad Arain, Agriculturist.
6. Lala Man Sukh, Kanait, Agriculturist.

Deputy Rangers sent for training vide (b) above.

7. Khan Muhammad Aslam Khan, Pathan, Agriculturist.
8. M. Nur-ul-Hassan, Sayyad, Agriculturist.

They are statutory agriculturists.

(e) Candidates Nos. 7 and 8 mentioned in (d) above are related to officials already serving in the department.

(f) The educational qualifications of all the candidates are given below :—

1. Lala Chaman Lal	..	..	..	..	F. A.
2. Chaudhri Hardwari Lal	..	..	..	..	B. Sc.
3. Khan Fazl Gul	..	..	..	..	F. Sc.
4. Chaudhri Muhammad Shafiq	..	..	..	..	B. A.
5. Chaudhri Khan Muhammad	..	..	..	..	F. Sc.
6. Lala Man Sukh	..	..	..	..	Has not passed any University examination.
7. Khan Muhammad Aslam Khan	..	..	..	..	Matriculation.
8. Mian Nur-ul-Hassan	..	..	..	..	Matriculation.

(g) 1st April 1935.

CHARGES FOR COPYING AND INSPECTION OF FILES.

*4834. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Finance Member kindly state—

(a) the charges made for the inspection of files in the High Court and in the subordinate courts, and if the charges are different, the justification for this difference ;

(b) the copying charges in the Punjab and how they compare with the rates prevalent in the United Provinces, if the information is available ?

The Honourable Mr. D. J. Boyd : (a) The honourable member is invited to refer to the reply given to question No. *4814.

(b) Two statements are laid on the table containing the information required.

Rates of copying fee in civil and criminal courts in the Punjab.

ENGLISH.		VERNAOULAR.	
Ordinary.	Urgent.	Ordinary.	Urgent.
200 words	As. 12	200 words	As. 6
Every additional hundred words or portion thereof.	6	Every additional hundred words or portion thereof.	3
	As for ordinary plus Re. 1 urgent fee.		As for ordinary. plus Re. 1 urgent fee.

NOTES.—

- (1) Rates of copying fee in the High Court are half the above.
- (2) A search fee of 8 annas is levied when there is unusual difficulty in tracing the document to be copied.
- (3) The charge for copying maps, plans, registers, etc., is fixed by the presiding officer.

Rates of copying fee charged in the Allahabad High Court and courts subordinate to it.

ENGLISH.			
Civil Courts.		Criminal Courts.	
Ordinary.	Urgent.	Ordinary.	Urgent.

1.—SUBORDINATE COURTS.

Up to 1,500 words—	Up to 1,500 words—	Up to 1,500 words—	
(a) In Small Cause Courts, 12 annas.	As for ordinary, plus Rs. 2. urgent fee in Small Cause Courts and Rs. 1-8-0 other courts.	(i) Judgment, Re. 1	Rs. 2.
(b) In other courts Re. 1.	Every additional 300 words, 4 annas	(ii) Deposition, 12 annas.	Rs. 1-4-0.
Every additional 300 words or portion thereof, 2 annas.		(iii) Sentence or charge, 4 annas.	8 annas.
		(iv) Other copy (except book, map or register), 8 annas.	Re. 1.
		Every additional 300 words or portion thereof, 2 annas.	4 annas.

NOTES.—

- (1) The charges for vernacular copies are the same as for English.
- (2) Additional typed copies if available are charged at half the above rates.
- (3) The charges for copying maps, registers and books are fixed by the presiding officer.

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

Rates of copying fee charged in the Allahabad High Court and courts subordinate to it—concluded.

	Ordinary.	Urgent.
II. HIGH COURT.		
<i>A.—Civil Case Copies.</i>		
Judgment after final orders.	Rs. 2	Rs. 4.
Deposition ..	Rs. 2	Rs. 4.
Deed or agreement in writing or a general power of attorney.	Rs. 2	Rs. 4.
Decree after final orders.	Rs. 1-8-0 ..	Rs. 3.
Any other paper except a book, register, map or plan or any extract thereof ..	Re. 1.	Rs. 2.

NOTE.—The charges for vernacular copies are the same as for English.

B.—Criminal Case Copies.

Same rates as for subordinate courts.

PROCEDURE FOR OBTAINING COPIES.

***4835. Rao Bahadur Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether the procedure for obtaining copies is the same throughout the Punjab ;
- (b) whether complaints against the present procedure have come to the notice of the inspecting judges of the High Court and other responsible officers of Government, if so, the steps which have been taken by Government to remove these complaints ;
- (c) whether it is a fact that a person desirous of obtaining copies has, under the present procedure, first to apply for them, then to come after a few days to ascertain the estimate of cost prepared by the copying department, then to deposit the amount indicated in the estimate and finally to come in person to get delivery of those copies ;
- (d) whether it is a fact that the only time deducted, in the case of appeals, for computing limitation is the time from the date of deposit to the date of the preparation of the copies applied for, and that the present procedure prescribed for obtaining copies

coupled with the law of limitation as interpreted by the highest court in the province places it within the power of the copying department to render an appeal time-barred ;

- (e) whether it is a fact that a mofussil applicant may have to spend a good deal of time and money in paying visits to the headquarters even though the copying charges may amount only to six or twelve annas ;
- (f) whether it is a fact that a man belonging to the furthest corner of the Rohtak district has to go to Karnal for obtaining the copies of any part of the record of a case pending in or decided by the District and Sessions Judge of Karnal ;
- (g) the third class railway fare from Kosli in the Rohtak district to Karnal and back ;
- (h) whether in view of the serious hardships which result from the present procedure of obtaining copies, and from the abolition of the copying agency Government is prepared to revise the whole system ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

FARM ACCOUNTS.

***4836. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly place on the table of the Council a statement showing—

- (a) the yearly gross income per acre of all the farms for which farm accounts have been prepared under the direction of Government or the Board of Economic Enquiry in the Punjab during the last few years ;
- (b) the net income or loss per acre in respect of the farms referred to in (a) ;
- (c) the wages allowed for the labour spent by the family of the farmer himself in calculating net income ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The honourable member will find complete information regarding farm accounts in the annual publications of the Board of Economic Enquiry entitled Farm Accounts which are in the Council Library.

- (c) The requisite information is not available.

DAILY INCOME OF A FARM LABOURER.

***4837. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state for the various years for which accounts are available, the income per head per day of the year in respect of the farms for which accounts have been prepared under the direction of Government or the Board of Economic Enquiry ?

The Honourable Nawab Muzaffar Khan : No accounts on the lines of those prepared under the direction of the Board of Economic Inquiry,

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Punjab, have been compiled at the instance of Government. For the accounts collected by the Board, the honourable member is referred to the following publications relating to the Farm Accounts Series :—

- (1) Some Aspects of Batai Cultivation in the Lyallpur district of the Punjab (Publication No. 12).
- (2) Accounts of different systems of Farming in the Punjab (Publication No. 15).
- (3) Farm Accounts in the Punjab 1926-27 (Publication No. 19).
- (4) Farm Accounts in the Punjab 1927-28 (Publication No. 20).
- (5) Farm Accounts in the Punjab 1928-29 (Publication No. 21).
- (6) Farm Accounts in the Punjab 1929-30 (Publication No. 24).
- (7) Farm Accounts in the Punjab 1930-31 (Publication No. 26).
- (8) Farm Accounts in the Punjab 1931-32 (Publication No. 32).
- (9) Farm Accounts in the Punjab 1932-33 (Publication No. 35).

PRESIDENT, REWARI MUNICIPAL COMMITTEE.

*4838. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Local Self-Government please state—

- (a) the date on which the election of the president of the Rewari Municipal Committee was held ;
- (b) whether it has been notified in the Gazette, if not, why not ;
- (c) the date on which the report of this election was received in the office of the Deputy Commissioner, Gurgaon, and the date on which he forwarded the same to the Commissioner, Ambala division ;
- (d) the period the Commissioner takes ordinarily to notify the election of the president after the receipt of the report in his office ;
- (e) what abnormal circumstances have happened in the present case to delay the matter ;
- (f) whether it is a fact that the residents of Bhiwani have been greatly perturbed over this delay in notification and several meetings have been held in the town to protest against the action of the authorities concerned in not notifying the election for so long ;
- (g) whether the Government has received any copy of these resolutions, if so, whether he will place a copy on the table ;
- (h) what the Government intends to do in the matter ?

The Honourable Dr. Sir Gokul Chand Narang : (a) 6th June 1935.

(b) Yes, it has ben notified.

(c) The report was received in the office of the Deputy Commissioner on the 10th June 1935, and was forwarded to the Commissioner on the 17th June 1935.

(d) If the election does not involve the consideration of any special matters, it ordinarily takes less than a fortnight to notify the election of a president.

(e) In the present case, the Commissioner referred the case to Government and it had to consider certain matters before disposing of the case.

(f) Government is not aware of any perturbation among the residents of Bhiwani over this case of Rewari.

(g) No.

(h) Does not arise.

LEVYING OF MALBA.

*4839. **Shrimati Lekhwati Jain** : Will the Honourable Revenue Member please state—

- (a) the rules regarding the levying of *malba* in the Punjab villages ;
- (b) the final authority for sanctioning expenditure out of this fund ;
- (c) whether any account is kept of the receipt and expenditure of *malba* ;
- (d) whether it is a fact that there is a general complaint regarding the misuse of the *malba* money in the province ;
- (e) whether Government intends to frame rules for controlling its expenditure if there are no such rules extant ;
- (f) in case there are such rules, what steps Government propose to take to enforce them ?

The Honourable Nawab Muzaffar Khan : (a), (b) and (c) The attention of the honourable member is invited to paragraph 93 of the Punjab Settlement Manual.

(d) Government have no information.

(e) No.

(f) Does not arise.

BENARES HINDU UNIVERSITY STUDENTS AND MEDICAL COLLEGE,
LAHORE.

*4840. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the F.Sc. passed students of the Aligarh and Delhi Universities are allowed to join the Medical College, Lahore, and that such students of the Benares Hindu University are not allowed to join the same ;
- (b) if so, the reasons for this invidious distinction ;
- (c) what steps Government propose to take in the matter ?

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

(b) The Benares University has never addressed the Punjab Government in this matter.

(c) The request, if received from the Benares University, will be considered.

CLASSIFICATION OF 2ND LAHORE CONSPIRACY CASE ACCUSED.

***4841. Shrimati Lekh wati Jain :** Will the Honourable Finance Member be pleased to state—

- (a) whether the Government is aware that Jahangiri Lal, Bhim Sen, Gurbux Singh, Sardar Singh, accused in the 2nd Lahore conspiracy case, were given B Class by the Special Tribunal trying that case ;
- (b) whether during the course of the trial also they were treated as better class prisoners ;
- (c) whether even after their conviction they enjoyed the privileges of the B class for a year-and-a-half ;
- (d) whether in July 1935 they have been reduced to C class prisoners ;
- (e) whether the Government is aware that by virtue of their social position and usual mode of life the above mentioned persons are entitled to B class ;
- (f) whether the Government is aware that Jahangiri Lal who has been transported for life is a cripple and Sardar Singh is suffering from tuberculosis ;
- (g) whether taking into consideration all these circumstances Government is prepared to reconsider the question of their classification ?

The Honourable Mr. D. J. Boyd : (a), (b), (c) and (d) Yes.

(e) No.

(f) It is correct that prisoner Jahangiri Lal is a cripple, but not that Sardar Singh is suffering from tuberculosis. (Jahangiri Lal was sentenced to transportation for life but has not actually been transported overseas).

(g) No.

MUNICIPAL COMMITTEE OF HISSAR.

***4842. Lala Jyoti Prasad :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the total number of seats on the municipalities of Karnal, Hoshiarpur and Hissar towns with their present populations respectively ;
- (b) the date on which wards were last revised in each of the municipalities mentioned above ;
- (c) the total number of members on the Municipal Committee of Hissar and the population of the town when there was no election and members used to be nominated ;
- (d) the date on which the system of election was introduced in the Hissar Municipal Committee ;
- (e) whether it is a fact that other towns in the province of the same or nearly the same population as of Hissar have municipal committees with larger number of members than the number of members of the Hissar Municipal Committee ;

(f) How the Government intends to proceed in respect of the Hissar Municipal Committee ?

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

Municipality.	Population.	Number of members of the Municipal Committee.
(1) Karnal	25,371	16
(2) Hoshiarpur	25,925	14
(3) Hissar	25,179	12

(b) The wards were last revised with Punjab Government notifications mentioned below against each municipality :—

- (1) Karnal No. 35140, dated 7th November 1932.
- (2) Hoshiarpur No. 19104, dated 16th July 1923.
- (3) Hissar No. 17586, dated 15th July 1924.

(c) The total membership of the Committee was 12 all nominated, in 1915 before the elective system was last introduced in the municipality which then had a population of 17,151 persons.

(d) 22nd February 1915.

(e) The total number of members in municipalities having about the same population is shown below :—

Municipality.	Population.	Number of members of the Municipal Committee.
(1) Rewari	26,269	13
(2) Jagraon	24,034	12
(3) Gujrat	25,604	15
(4) Sargodha	26,781	17
(5) Montgomery	26,154	15
(6) Chiniot	25,841	15
(7) Dera Ghazi Khan	23,468	18

(f) The matter will be considered.

DELHI-MULTAN ROAD.

*4843. **Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that on the Hissar-Sirsa section of the Delhi-Multan road four miles were soled some years back and have never been metalled since then ;

[L. Jyoti Prasad.]

- (b) whether it is a fact that with the exception of these four miles the above mentioned section is metalled and is quite fit for motor and lorry traffic ;
- (c) whether it is a fact that on account of these four miles being not metalled great inconvenience is felt by motors and lorries ;
- (d) the steps, if any, which Government proposes to take in order that the whole section may become motorable ;
- (e) in case Government is prepared to take some steps for metalling the aforesaid miles, by what time they are expected to be ready ?

The Honourable Sardar Sir Jogendra Singh : (a) Presumably the honourable member refers to miles 127 to 132 and 134 to 140 on the Delhi-Multan Road in which a soling coat of bricks was laid but owing to paucity of funds and very light traffic using the road, the provision of wearing surface was postponed. The position now is that the wearing surface has recently been laid in miles 127 to 132 and it is expected to lay the same in miles 134 to 136 in the remaining period of the current financial year. Four miles, viz., 137 to 140 will thus still remain without the wearing surface.

(b) and (c) Yes.

(d) and (e) Government proposes to provide the wearing surface in these four miles as soon as the requisite funds are forthcoming and it is expected that the work will take six months to complete after funds become available.

MUNICIPAL COMMITTEE OF HANSI.

*4844. **Lala Jyoti Prasad :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) since when the Municipal Committee of Hansi in the Hissar district has been under suspension and for how long it is likely to be so ;

(b) the condition of its finances when superseded and now ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The Municipal Committee of Hansi was superseded in 1932. Steps are being taken to reconstitute it shortly.

(b) A statement giving the required information is laid on the table.

Statement.

	Rs.		Rs.
1. Opening balance on 1st April 1931 ..	1,130	On 1st April 1934 ..	5,425
2. Income in 1931-32 ..	40,060	In 1934-35 ..	65,362
3. Expenditure on 1931-32 ..	36,145	Ditto ..	50,125
4. Closing balance on 31st March 1932 ..	5,225	On 31st March 1935	20,662
5. Cash balance on 16th July 1932 ..	4,067	On 23rd September 1935	16,064
6. Liabilities on 16th July 1932 ..	11,000	Ditto ..	5,000

GOVERNMENT GIRLS HIGH SCHOOL, HISSAR.

***4845. Lala Jyoti Prasad :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the new building of the Government Girls' High School, Hissar, is located outside the town at a distance of about one mile from the town proper ;
- (b) the means of conveyance provided by the school authorities for taking the students of the town to the school and for bringing them back ;
- (c) the number of such students using conveyances mentioned in (b) ;
- (d) whether any facilities regarding conveyance of the students of the above-mentioned school are being considered by the department ; if so, when these will be provided ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member's attention is invited to the answer given to part (b) of question No. *9685 asked by him during the winter session of the Council last year.

(b) and (c) No conveyance is provided by Government but fourteen girls are reported to be using tongas. A school *ma'i* accompanies each tonga and the arrangement is under the supervision of the head mistress.

3 P. M.

(d) No.

Lala Jyoti Prasad : Is the honourable member aware that the girls' high school is now located in a new building far from the town ? It is not the same building as was referred to last time ?

The Honourable Malik Sir Firoz Khan Noon : How far is it ?

Lala Jyoti Prasad : About a mile from the town.

The Honourable Malik Sir Firoz Khan Noon : What do you suggest ?

Lala Jyoti Prasad : Some conveyance arrangement.

The Honourable Malik Sir Firoz Khan Noon : It is for the parents to apply to the headmistress because it is the parents that pay and I have no doubt that if they apply to the headmistress, she will make the necessary arrangements or they can send a representation to the Director of Public Instruction.

FIRST CLASS MAGISTRATES IN HISSAR.

***4846. Lala Jyoti Prasad :** Will the Honourable Member for Finance be pleased to state—

- (a) the number of first class magistrates, except the District Magistrate, in the Hissar district ;
- (b) the number of cases decided by each one of them from 1st January to 15th August 1935 ;
- (c) the number of appeals and revision petitions preferred from the orders of each one of them during the period mentioned in (b) ;

[L. Jyo.i Prasad.]

(d) the number of appeals and revision petitions accepted from the orders of the magistrates mentioned above during the period given in (b) ?

The Honourable Mr. D. J. Boyd : (a) Eleven first class magistrates worked in the district during the period specified. This figure includes an Assistant Commissioner under judicial training and the Revenue Assistant of the district, neither of whom has been doing any magisterial work ; and also two honorary magistrates.

(b), (c) and (d). A statement is laid on the table.

Cases decided by First Class Magistrates in the Hissar District during the period from the 1st January to the 15th August 1935.

Serial No.	Name or designation of Magistrate.	CASES DECIDED.			Number of appeals preferred in regard to the cases enumerated in column 2.	Number of revision applications made in regard to the cases enumerated in column 2.	Number of appeals accepted.	Number of revisions accepted.
		Substantive offences.	Security cases.	Miscellaneous cases.				
1	2	3	4	5	6	7	8	9
1	The Sub-Divisional Magistrate, Sirsa.	95	51	106	43	2	20	2
2	Pandit Dwarka Nath, Section 30 Magistrate, Sirsa.	241	65	54	62	3	36	1
3	Chaudhri Mushtaq Ahmad, Section 30 Magistrate, Hissar.	374	63	94	54	7	30	..
4	Rai Sahib Lala Nand Lal Manchanda, Additional District Magistrate.	97	62	61	26	3	8	..
5	Khan M. Z. Alam Khan (up to the 10th June 1935).	77	17	36	21	2	8	..
6	Resaldar Sardar Mohindar Singh (from 11th February 1935).	129	52	65	42	6	24	1
7	Khan Zafar-ul-Haq (from the 20th June 1935).	26	2	32	3	..	1	..
8	Rai Sahib Lala Chhabil Dass, Honorary Magistrate, Hissar.	30	8	9	9	1	8	1
9	Rai Sahib Lala Atma Ram, Honorary Magistrate, Sirsa.	57	13	3	16	..	6	..
10	L. P. Addison, Esquire, I.C.S. ..	..	..	..	..	..	..	..
11	Lala Nathu Lal, Puri, Revenue Assistant.	..	..	..	..	..	..	..

SHORT NOTICE QUESTION AND ANSWER.

FINANCIAL ENQUIRY BY NIEMEYER COMMITTEE.

Mr. Muhammad Din Malak : Will the Honourable Member for Finance be pleased to state whether the Punjab Government propose to invite public opinion on the subject of the financial enquiry to be conducted by Sir Otto Niemeyer so far as it affects this province ?

The Honourable Mr. D. J. Boyd : I regret that at the last sitting of the Council, I was not prepared to answer a short notice question. With your permission I would like to make an announcement on the subject of that question today.

The Punjab Government will be glad to consider any representations that may be made to them by any member of the public and, if it appears suitable to forward them, the Government will submit them to Sir Otto Niemeyer.

UNSTARRED QUESTIONS AND ANSWERS.

WATER SUPPLY SCHEME FOR MATORE.

1225. Khan Sahib Risaldar Bahadur Nur Khan : Will the Honourable Minister for Education be pleased to state—

- (a) whether the grant of Rs. 5,098 sanctioned by the Rural Sanitary and Improvement Board, Punjab, in 1980, for trial boring at Matore, district Rawalpindi, has been totally spent ;
- (b) if so, what further steps the Government intends to take to complete the project and when ;
- (c) whether any fresh water supply scheme for Matore is under consideration of the Government ;
- (d) if the answer to (c) be in the affirmative, the nature of that scheme and when it is likely to be completed and in view of the failure of the previous project what are the safeguards that the fresh scheme would prove a success ;
- (e) whether the Government has satisfied itself after obtaining expert technical opinion that the amount already paid to the contractors has been rightly paid in face of the work done and that there has been no wastage ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. After an expenditure of Rs. 3,200 the work was abandoned as it was found after penetrating the soil to a depth of 80 feet in boulder strata that it was impossible to proceed further without special rock boring equipment and the indications were that water would not be found.

(b) The Superintending Engineer, Public Health Circle, Punjab, is exploring the possibility of obtaining potable water from other sources. .

(c) No. The result of the investigations of Superintending Engineer, Public Health Circle, Punjab, is awaited.

(d) Does not arise.

(e) Yes.

FACTORIES IN THE PUNJAB.

1226. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of those factories in the Punjab, the different departments or branches of which have been declared by the Punjab Government to be "factories" within the meaning of section 6 of the Factories Act, 1934?

The Honourable Nawab Muzaffar Khan : No departments or branches of factories have been declared by the Punjab Government to be separate factories under section 6 of the Factories Act, 1934.

FACTORIES IN THE PUNJAB.

1227. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of those factories in the Punjab which have been declared by the Punjab Government to be exempted under section 7 of the Factories Act, 1934, together with the reasons for such declaration, if any?

The Honourable Nawab Muzaffar Khan : No factory has so far been exempted under section 7 of the Factories Act, 1934.

CERTIFYING SURGEONS UNDER FACTORIES ACT.

1228. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of the certifying surgeons who have been appointed by the Punjab Government under section 12 (1) of the Factories Act, 1934, together with a specification of the area of the local limits assigned to them respectively?

The Honourable Nawab Muzaffar Khan : A copy of Punjab Government Notification No. 5, dated 1st January, 1935, which contains the list asked for by the honourable member is laid on the table.

INDUSTRIES AND LABOUR DEPARTMENT.

The 1st January, 1935.

No. 5.—In exercise of the powers conferred by Section 12 (1) of the Factories Act, 1934, the Governor in Council is hereby pleased to appoint the following Medical Officers as Certifying Surgeons for the purposes of this Act within the limits of the districts noted against their names:—

1. Medical Officer, Kalka-Simla State Railway, for factories at Kalka in the Ambala district.
2. Civil Surgeon, Ambala, for the factories in the residue of Ambala district.
3. Assistant Surgeon, Kasur, for factories at Kasur and Raewind.
4. Assistant to Civil Surgeon, Lahore, for factories in the residue of Lahore district.
5. Assistant Surgeon, Sargodha, for factories at Sargodha.
6. Civil Surgeon, Sargodha, for factories in the residue of the Shahpur district.
7. Assistant Surgeon, Rawalpindi, for factories in Rawalpindi district.
8. Resident Medical Officer, Amritsar, for factories in Amritsar district.
9. Assistant Surgeon, Abohar, for factories at Abohar.
10. Civil Surgeon, Ferozepore, for factories in the residue of Ferozepore district.
11. Assistant Surgeon, Sangla, for factories at Sangla Hill.
12. Civil Surgeon, Sheikhpura, for factories in the residue of Sheikhpura district.
13. In the remaining districts of the Punjab, the Civil Surgeons are appointed certifying Surgeons for factories for their respective districts.

REGISTERED MEDICAL PRACTITIONERS UNDER FACTORIES ACT.

1229. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of those registered medical practitioners authorised by the certifying surgeons in the Punjab under section 12 (2) of the Factories Act, 1934 ?

The Honourable Nawab Muzaffar Khan : A list is laid on the table.

List of registered medical practitioners authorised by the certifying surgeons in the Punjab under Section 12 (2) of the Factories Act, 1934.

1. Assistant Surgeon, Bhiwani.
2. Sub-Assistant Surgeon, Hansi.
3. Sub-Assistant Surgeon, Bhalwal.
4. Sub-Assistant Surgeon, Phullerwan.
5. Sub-Assistant Surgeon, Sillanwali.
6. Assistant Surgeon, Rewari.
7. Sub-Assistant Surgeon, Khanna.
8. Assistant Surgeon, Jullundur City.
9. Medical Officer in charge New Egerton Woolen Mills, Dhariwal.

APPEALS UNDER FACTORIES ACT.

1230. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of the appeals to the Punjab Government filed under section 31 (1) of the Factories Act, 1934, since the 1st January, 1934, together with the names of the assessors appointed in each appeal under section 31 (2) of the said Act and the result of each such appeal ?

The Honourable Nawab Muzaffar Khan : No appeal has been filed with the Punjab Government.

FACTORIES IN THE PUNJAB.

1231. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of those factories in the Punjab which have been permitted by the Punjab Government to a spreading over of work under section 38 of the Factories Act, 1934, together with the conditions imposed either generally or in the case of each particular factory as the case may be and the reasons for such permission and conditions ?

The Honourable Nawab Muzaffar Khan : The list is blank.

FACTORIES IN THE PUNJAB.

1232. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of those factories in the Punjab which have been exempted by the Punjab Government under the 2nd proviso to section 41 (1) of the Factories Act, 1934, together with the reasons for the exemptions in each case ?

The Honourable Nawab Muzaffar Khan : The list is blank.

ADULT WORKERS UNDER FACTORIES ACT.

1233. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of the adult workers exempted by the Punjab Government under section 44(2) of the Factories Act, 1934, together with the reasons for the exemption in each case ?

The Honourable Nawab Muzaffar Khan : A statement showing the names of adult workers exempted by the Punjab Government under section 44 (2) of the Factories Act in respect of section 35 (1) (b) of the Act for Sunday, 21st July, 1935, is laid on the table. The exemption was granted with a view to enable the Punjab Printing Press to execute an immediate job.

A statement showing the names of adult workers exempted by the Punjab Government under Section 44 (2) of the Factories Act.

PUNJAB GOVERNMENT PRESS.

1. Mr. Harnam Singh Chadha, General Foreman.
2. Lala Pheru Ram, Head Reader.
3. Lala Baboo Ram, Reviser.
4. M. Hassan Din, Section Holder.
5. M. Maqbul Hussain, Copy Holder.
6. Beni Pershad, Machineman.
7. Ram Partap, Inker,
8. Mulk Raj, Type Supplier.
9. Jalal Din, Binder.
10. Jindoo Ram, Galley Pressman.
11. Ten Compositors.

FACTORIES IN THE PUNJAB.

1234. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of (i) those factories, and (ii) those classes of workers, which have been specified by the Punjab Government under the proviso to section 46 of the Factories Act, 1934, together with the reasons thereof in each case ?

The Honourable Nawab Muzaffar Khan : The list is blank.

CERTIFICATES BY THE CERTIFYING SURGEONS, ETC.

1235. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay a statement on the table showing—

- (a) the number of certificates of fitness under section 51 of the Factories Act, 1934, granted by the certifying surgeons and the authorised registered medical practitioners since the 1st January, 1934 ;
- (b) the number of certificates of fitness under—
 - (i) section 52 (2) (a), and
 - (ii) section 52 (2) (b)
 of the Factories Act, 1934, granted by the certifying surgeons and the authorised registered medical practitioners since the 1st January, 1934 ;

- (c) the number of certificates mentioned in (b) revoked by the certifying surgeons under section 52 (3) of the Factories Act, 1934 ;
- (d) the number of applications under section 52 (1) of the Factories Act, 1934, refused by the certifying surgeons or authorised registered medical practitioners under section 5 (2) (4) of the Factories Act, 1934 ?

The Honourable Nawab Muzaffar Khan : The Factories Act, 1934, came into force with effect from 1st January, 1935. Accordingly information relating to the year 1934 cannot be given. A statement giving information for the period 1st January, 1935, to 31st August, 1935, is laid on the table.

Statement showing the number of certificates of fitness granted, revoked, etc., by the certifying surgeons, etc., in the Punjab from 1st January to 31st August, 1935.

(a) Number of certificates of fitness under section 51 of the Factories Act, 1934, granted by the certifying surgeons and the authorised registered medical practitioners from 1st January, 1935, to 31st August, 1935.	(b) Number of certificates of fitness under (i) Section 52 (2) (a) and (ii) 52 (2) (b) of the Factories Act, 1934, granted by the certifying surgeons and the authorised medical practitioners from 1st January, 1935, to 31st August, 1935.	(c) Number of certificates mentioned in (b) revoked by the certifying surgeons under Section 52 (3) of the Factories Act, 1934.	(d) Number of applications under Section 52 (1) of the Factories Act, 1934, refused by the certifying surgeons or authorised registered medical practitioners under Section 52 (4) of the Factories Act, 1934.
596	237	359	..
			43

UNFIT WORKERS IN FACTORIES.

1236. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of (i) persons, (ii) adolescents and (iii) children, found unfit to work by the Inspectors of Factories in the Punjab under section 58 of the Factories Act, 1934, since the 1st January, 1934, together with the action taken by them (Inspectors of Factories) in each case ?

The Honourable Nawab Muzaffar Khan : A statement containing the requisite information from 1st January, 1935 (the date on which the Factories Act, 1934, came into force) is laid on the table.

List of (i) persons, (ii) adolescents, and (iii) children, found unfit to work by the Inspectors of Factories in the Punjab under Section 58 of the Factories Act, 1934, from the 1st January, 1935, to 31st August, 1935, together with the action taken by them in each case.

- (i) Nil.
 (ii) Nil.
 (iii) 1. Matroo.
 2. Mehnga.

In both these cases prosecutions were launched against the factories concerned.

PROSECUTIONS AND CONVICTIONS UNDER FACTORIES ACT.

1237. Mr. M. A. Ghani : Will the Honourable Member for Revenue be pleased to lay on the table a statement showing separately the number of (a) prosecutions and (b) convictions, under each of the various penalising sections and sub-sections of the Factories Act, 1934, from the enforcement of the Act to the 30th June, 1935 ?

The Honourable Nawab Muzaffar Khan : A statement giving information from 1st January, 1935, the date on which the Act came into force to 30th June, 1935, is laid on the table.

Statement showing the number of (a) prosecutions and (b) convictions under each of the various penalising sections and sub-sections of the Factories Act, 1934, from 1st January to 30th June, 1935.

Number of prosecution cases	10
Under section 60 (b) (i)	8 cases
	In 2 cases convictions were obtained — 6 cases pending.
Under section 60 (e)	1 case
	Conviction obtained.
Under section 60 (e) and (f)	1 case
	Pending.

CROWN FACTORIES IN THE PUNJAB.

1238. Mr. M. A. Ghani : Will the Honourable Revenue Member be pleased to lay on the table a list of Crown factories in the Punjab as on the 30th June, 1935 ?

The Honourable Nawab Muzaffar Khan : A list is laid on the table.

List of Crown factories in the Punjab as on 30th June, 1935.

1. Government Cattle Farm, Hisar.
2. M. W. S. Power House, Ambala Cantonment.
3. The Military Grass Farm, Ambala Cantonment.
4. Kalka Simla Railway Workshop, Kalka.
5. Government of India Press, Simla.
6. The Military Grass Farm, Bir Sarangwal (Jullundur).
7. N.-W. R. Creosoting Depot, Dhilwan (Jullundur District).
8. Ferozepore Arsenal, Ferozepore Cantonment.
9. M.-W. S. Power House, Ferozepore Cantonment.
10. N.-W. R. Loco Workshops, Moghalpura.
11. N.-W. R. Carriage and Wagon Shops, Moghalpura.
12. N.-W. R. Clothing Factory, Moghalpura.
13. N.-W. R. Gas Factory, Moghalpura.
14. N.-W. R. Power House and Repair Workshop, Moghalpura.
15. N.-W. R. Printing Press, Moghalpura.
16. N.-W. R. Shed Workshops, Lahore.
17. N.-W. R. Signal Workshops, Lahore.
18. Government Printing, Punjab, Lahore.
19. Central Jail Press, Lahore.
20. Borstal Institution Press, Lahore.
21. M. E. S. Power House, Lahore Cantonment.
22. Aircraft Depôt R. A. F., Lahore Cantonment.

23. Ordnance Depot, Lahore Cantonment.
24. Government Military Dairy Farm, Lahore Cantonment.
25. The Military Grass Farm, Lahore Cantonment.
26. The Canal Workshops, Balloki (District Lahore).
27. P. W. D. Central Workshop, Amritsar.
28. The Military Grass Farm, Sialkot.
29. M. E. S. Power Station, Sialkot Cantonment.
30. Government Demonstration Weaving Factory, Shahdara.
31. Remount Depot Workshop, Sargodha.
32. N.-W. R. Bridge Workshops, Jhelum.
33. Rawalpindi Arsenal, Rawalpindi.
34. Heavy Repair Shop (M. T.), Class I, Chaklala (Rawalpindi).
35. M. E. S. Workshops, Rawalpindi.
36. Government Military Dairy, Rawalpindi.
37. Lower Topa Saw Mills, Murree.
38. The Military Grass Farm, Campbellpore.
39. The Military Grass Farm Cotton Factory, Okara (District Montgomery).
40. Military Farm's Sugar Factory, Okara (District Montgomery).
41. Fodder Baling Operations, Okara (District Montgomery).
42. Renala Hydro-Electric Sub-Division, Renala Khurd (District Montgomery).
43. Government Grain Elevator, Lyallpur.
44. Agricultural Engineering Workshop, Lyallpur.
45. The Military Grass Farm, Multan Cantonment.
46. Military Grain Depot, Lahore Cantonment.

HOSHARPUR-GAGRIT-DHARAMSALA MOTOR BUS SERVICE.

1239. Shrimati Lekhwati Jain : Will the Honourable Revenue Member please state—

- (a) whether it is a fact that the licence holder of Hoshiarpur-Gagrit-Dharamsala Motor Bus service is charging one anna per mile from each passenger on that road ;
- (b) how long this licence holder has been charging these rates ;
- (c) the usual rates on other roads, charged by the lorry drivers ;
- (d) whether it is a fact that many applications have been addressed by a very large number of people to the Deputy Commissioner and other officers of the Government to discontinue this particular licence ;
- (e) whether it is a fact that great agitation is going on against the licencee of this road and Kiraya Ghatau Committees have been formed ;
- (f) the reasons for continuing this licence ;
- (g) whether it is a fact that various men are ready to carry passengers on this road at the rate of 6 pies per mile ;
- (h) what Government intends to do in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes.
(b) Since 1930.

[Hon. Nawab Muzaffar Khan.]

(c) On plain roads rates as low as 4 or 6 pies a mile are often charged, but on hill roads such as this Hoshiarpur-Gagrit-Dharmasala road the rates are always higher.

(d) A number of applications, relating mainly to the rates of fare, have been received by the district officers and by Government.

(e) Government have seen certain leaflets on the subject published over the signature of the Secretary, Karaya Ghatau Committee, Daulatpur Chank, Hoshiarpur.

(f) and (h) The road in question is a hilly and narrow one, unmetalled ; and it is essential in the interests of the public safety to maintain restrictions on the motor traffic using it. The present monopolist has run an efficient service and there appears no need or justification for any change in the existing arrangements.

(g) Government have no information.

SADAR BAZAR MUNICIPAL COMMITTEE, AMBALA CANTONMENT.

1240. Shrimati Lekhwati Jain : Will the Honourable Minister for Local Self-Government please state—

(a) the probable dates by which the election to the Sadar Bazar Municipal Committee, Ambala Cantonment, is likely to be held, and when the necessary notification is likely to be published in the Government Gazette ;

(b) if it has not been decided as yet to hold these elections at an early date, whether he is prepared to take steps to expedite the matter so that the elections may take place as early as possible ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The elections of the Committee will probably be held in April, 1936, and the necessary notification will be published in the Gazette as soon as possible.

(b) Does not arise, as every effort is already being made to hold the elections as soon as possible.

GIANI KARTAR SINGH.

1241. Shrimati Lekhwati Jain : Will the Honourable Minister for Local Self-Government please state—

(a) whether any ban is placed on Giani Kartar Singh, ex-member, District Board of Lyallpur, to stand as a member of the District Board ;

(b) if so, what are the reasons for continuing this ban ;

(c) if it be his conviction for sedition in 1930, whether it has not been condoned by the Gandhi-Irwin pact of 1931 ;

(d) what Government intends to do in the matter of lifting this ban ?

The Honourable Dr. Sir Gokul Chand Narang : The attention of the honourable member is invited to the answer given to question No. *4881 asked by Sardar Jawahar Singh Dhillon on the same subject.

SHAHID GANJ.

1242. Shrimati Lekhwati Jain : Will the Honourable Finance Member please state the total amount of expenses incurred by the Punjab Government in connection with Shahid Ganj Gurdwara dispute in June and July, 1985 ?

The Honourable Mr. D. J. Boyd : The accounts are not yet complete and I regret that it is not possible to answer the question at present.

SHAHID GANJ.

1243. Shrimati Lekhwati Jain : Will the Honourable Finance Member please state—

(a) the total number of persons challaned and convicted under the following offences in connection with the Shahid Ganj Gurdwara :—

- (i) breach of curfew order,
- (ii) members of an unlawful assembly,
- (iii) murder,
- (iv) causing grievous or simple hurt ;

(b) how many of the convicted persons have tendered apology and secured their release ?

The Honourable Mr. D. J. Boyd : (a)—

	<i>Number of persons challaned.</i>	<i>Number of persons convicted.</i>	
(i) ..	440	489	
(ii) ..	*172	36	*129 persons dis- charged on tend- ering apology.
(iii) ..	4	3	
(iv) ..	Nil.	Nil.	
(b) None.			

SMALL TOWN OF SAYADWALA.

1244. Shrimati Lekhwati Jain : Will the Honourable Revenue Member please state—

(a) whether it is a fact that the small town of Sayadwala in the Sheikhpura district has been in danger of being washed away by the river Ravi ;

(b) whether it is a fact that the inhabitants of this town have been constantly making representations to the Government and its officers ;

(c) whether it is a fact that the inhabitants of this town waited in a deputation on His Excellency the Governor and requested him to take immediate steps to protect the town from imminent destruction ;

(d) whether it is a fact that so far the Government has taken no action ;

(e) whether it is a fact that as anticipated much of the town has been washed away by the heavy floods this year ;

[Sh. Lekhwati Jain.]

- (f) if so, whether Government has made any estimate of the destroyed property ; if so, what is its value ;
- (g) the names and designations of the officers of the Government responsible for this negligence in not taking suitable steps to protect the town ;
- (h) the steps Government proposes to take to compensate those inhabitants of Sayadwala who have suffered in this monsoon from the river Ravi ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) I am not aware of any such deputation waiting on His Excellency the Governor.

(d) All local officers from the Naib Tahsildar to the Deputy Commissioner visited the place and offered assistance in evacuation. No other action was possible. There are villages in much the same state, all down the course of the Punjab rivers where very little can be done except at a prohibitive cost.

(e) 51 houses have been washed away of which 21 were pacca.

(f) The value of the property washed away is about Rs. 50,000.

(g) Does not arise.

(h) Does not arise.

PAPERS LAID ON THE TABLE.

STATEMENT SHOWING ACTION OF GOVERNMENT ON COUNCIL RESOLUTIONS.

Secretary : A statement showing the action taken by Government on resolutions passed by the Punjab Legislative Council since October, 1934, is laid on the table.

Statement showing action taken by Government on resolutions passed by the Punjab Legislative Council since October, 1934.

Serial No.	Terms of Resolution passed.	Volume Number and page of Legislative Council Debates.	Action taken.
1	<p>This Council recommends to the Government that with a view to making Hydro-Electric current more accessible for agricultural purposes the Government may examine and report to the Council the possibility of :—</p> <p>(a) tapping cables by transformers, necessary charges being levied from persons concerned either in lump sum or by instalments.</p> <p>(b) pumps and motors being supplied for lifting water, necessary charges being levied from persons concerned either in lump sum or by instalments.</p>	Volume XXVI, page 820.	The required report has been sent to the Secretary, Punjab Legislative Council.*

*Vide pages 189-90 ante.

STATEMENT SHOWING ACTION OF GOVERNMENT ON
BUDGET CUTS.

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 October, 1934, is laid on the table.

Statement showing the action taken by Government on cuts made by the Legislative Council in original and supplementary demands presented to the Council.

Serial No.	(i) Major head. (ii) Minor head. (iii) Sub-head.	Reasons for reduction.	Amount of reduction.	Volume number and page of the Punjab Legislative Council Debates.	Action taken by Government.
1	35—Industries (Transferred).	To urge the appointment of a committee to make five years programme for the development of village and cotton industries.	Ra. 1	Volume XXVI, pages 514—17.	Government have decided to hold an Industries Conference on the 5th November, 1935, to consider the methods to be adopted for the development of industry in the province. Government are also introducing the Punjab State Aid to the Industries Bill at the forthcoming session of the Punjab Legislative Council. The Bill is designed to give Government power to grant aid under certain conditions to any approved industry in suitable forms.
2	..	To discuss the policy of Government regarding development of industries in the province.	100	Volume XXVI, pages 517—19.	
3	..	To urge the necessity of starting industries in the province.	1	Volume XXVI, pages 519-20.	
4	..	To urge the necessity of introducing cottage industries in the country.	1	Volume XXVI, pages 542—46.	
5	..	To urge the development of cottage industries in rural areas.	1	Volume XXVI, pages 546—47.	
6	..	To draw the attention of the Government towards the greater industrial development of the province.	1	Volume XXVI, pages 548—50.	
7	41—Civil works (Reserved and Transferred) and 60—C. W. Capital Buildings and Roads Establishment—Expenditure.	To urge employment of agriculturists.	1	Volume XXVI, pages 390—93.		The claims of agriculturists to appointments in the public service when such appointments are being made will not be overlooked.

NORTH-WESTERN RAILWAY ADVISORY COMMITTEE.

Secretary : Voting papers for the election of three representatives of the Council to serve on the Railway Advisory Committee are available in the ante-room behind the President's throne. Members can receive their voting papers up to 6 o'clock this evening. After marking, the voting papers may be deposited in a ballot box provided for the purpose. The result of the election will be announced on Monday, the 4th of November, 1935.

RESOLUTIONS.

NON-OFFICIAL CHAIRMEN FOR DISTRICT BOARDS.

Mr. President : The Council will now resume discussion on the following resolution moved by Mr. Muhammad Din Malak :—

This Council recommends to the Government to so change the rules of election of chairmen of district boards as to allow the district boards to elect non-official chairmen in cases where a resolution is passed by a bare majority of non-official members to that effect and without obtaining Government's approval; and also to allow the voting for deciding the question about official or non-official chairmen to take place by ballot.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I was explaining when the Council was adjourned in the last session, why there should be no official chairmen for district boards, and also how the Sardar of Mukandpur suffered on account of incurring the displeasure of the deputy commissioner of the district. He had some difference of opinion with the deputy commissioner, when the latter was acting in the capacity of the chairman of the district board, on the question of engaging two cooks or chaprasis for a hospital. This small incident resulted in the deputy commissioner's becoming angry with him for ever and thereafter the Sardar Sahib has had no peace in his district. He was an honorary magistrate and soon after the aforementioned incident his name was removed from the list of honorary magistrates. Then he was so maltreated in the district board hall that he had to resign his membership. The honourable members of this House will perhaps be interested to know how the Sardar Sahib was maltreated even as a magistrate. His predecessors had been holding courts in Mukandpur and he too for the last 22 years or so, but the Sardar was ordered to hold his court in Banga and police challans were withheld from his court. These are not mere false allegations. I can substantiate them from records. In 1929, the deputy commissioner was transferred to some other place and it was a sign of good luck both for the district and the Sardar Sahib. The deputy commissioner, who succeeded the outgoing deputy commissioner, recommended to the Government that the Sardar Sahib should be once again made an honorary magistrate.

Sardar Sahib Sardar Gurbachan Singh : Is it relevant to the motion before the House ?

Chaudhri Muhammad Abdul Rahman Khan : Sardar Sahib who just interrupted me has been only recently made a sub-registrar by his undue favour; naturally he is much pleased with the deputy commissioner. I have already explained how the quarrel between the Sardar of Mukandpur on the one side and the deputy commissioner of Jullundur on the other originated. It arose over the employment of two cooks or chaprasis. The

deputy commissioner wanted to employ two chaprasis and the Sardar Sahib took exception to it. Though it was pointed out to the deputy commissioner that that was not a personal affair of anybody and that therefore the criticism should be taken in the spirit in which it was offered, he would not listen to it. Thereafter the Sardar Sahib was made the target of many a humiliation and even his relatives were not spared. However, the deputy commissioner who succeeded Lala Arjan Dass recommended that the Sardar Sahib should be made an honorary magistrate. About a fortnight after the appointment of the Sardar the Lala was again transferred to this district. He again wrote to the commissioner that the Sardar's services as a magistrate should be dispensed with. The Sardar represented to the commissioner that he failed to understand how when the Government had thought it fit to appoint him a magistrate he became an unfit person to hold that post after 10 days. His plea was considered reasonable by the commissioner and he was allowed to continue in his office. The Sardar Sahib is not the only person who has been victimized by the deputy commissioner. Another notable gentleman, Tika Jagjit Singh, incurred the wrath of the deputy commissioner in the same way. He is the vice-chairman of the district board. He belongs to the royal family of Kapurthala and has royal blood running in his veins. He is not a man to be terrorised by anybody. He has been straightforward and upright in his official capacity ; so he has incurred the displeasure of the deputy commissioner who wants to be the monarch of all he surveys in the district board. The deputy commissioner through his influence created a faction against the Tika Sahib ; so now he has been removed from the vice-chairmanship by the inspired votes of the party set up against him. Another unfortunate person who has incurred the displeasure of the deputy commissioner through his integrity is Chaudhri Asadullah Khan, honorary magistrate and zaildar. I am afraid that one of these days he will either lose his zaildarship or his honorary magistrateship or both, because the deputy commissioner is active against him. Only two weeks ago a case has been decided against Sardar Kuldip Singh of Mukandpur which was started, I believe, at the instigation of the deputy commissioner and he was sentenced to a fine of Rs. 60.

The Honourable Mr. D. J. Boyd : Is that quite a fair remark ? It seems to me to be an insinuation that a gentleman was fined because of his actions on the district board so far as I can get the meaning of the speaker.

Mr. President : Will the honourable member please explain himself ?

Chaudhri Muhammad Abdul Rahman Khan : Even if I am called to explain my remark in a court of law I am prepared to do it. But I want to end this state of affairs once for all. I want to impress upon the Government here that an officer under it has avenged himself on his supposed enemies, in a manner that they have been totally crushed ; even their relatives have been totally ruined.

● This is not all. The deputy commissioner is not fair even in the matter of control of services under him. When the establishment was proposed to be reduced as a measure of economy he let the axe fall on the heads of Mussalmans. All the saving of about a lakh which he showed was made at the cost of Muslim employees under him. Then, in matters of promotion

[Ch. Muhammad Abdul Rahman Khan.]

the deputy commissioner is more inclined towards the Hindus. A head clerk in the office under him retired and in his vacancy a Hindu was appointed while the right person who deserved promotion was a Muhammadan. But the deputy commissioner favoured the Hindu clerk by giving him promotion over the man who was senior to him by eight places.

Mr. President : What has all this to do with the resolution? What is the honourable member's point?

Chaudhri Muhammad Abdul Rahman Khan : My point is that a deputy commissioner should not be the chairman of a district board because he being in charge of the district can abuse his powers. I can give more instances in which the deputy commissioner has done a good deal of injustice to the Muslim employees of the district board. The deputy commissioner wrote a book "Hidayat-i-Patwari" and by his influence he got it prescribed for the students in the district board schools and for patwaris in the mofussil and for libraries in the schools and made the district board buy these books.

Mr. President : The honourable member will please speak to the motion. The fact that there is a Hindu deputy commissioner, that he had written a book, which was being sold or circulated, is beyond the terms of the motion.

Chaudhri Muhammad Abdul Rahman Khan : The point I want to illustrate is that in the presence of a deputy commissioner as chairman of a district board the members of the district board cannot discharge their duties with freedom. Members are mostly zamindars and they have their various ambitions for the realization of which they depend upon the good will and pleasure of the deputy commissioners. As such they cannot afford to go against the will of the deputy commissioners. We find in this House that the honourable members who include amongst themselves very big landlords fawn on Government members. The local zaildars and sufedposhes are small holders. How can you expect from them not to do as they are bid by the deputy commissioner in his capacity as a president of the district board? The Government members have often compared the district boards and municipalities to schools where people get education and training in the art of self-government. But these deputy commissioners are a hindrance in the way of the people's learning the art of self-government. In order to give more freedom to the local bodies it is necessary that in place of deputy commissioners there should be non-official chairmen. As I have already said, the deputy commissioner of our district misuses his powers. All the gardeners of the district board instead of attending to their own duties work in the bungalow of the deputy commissioner. A Sardar of Bhangian is desirous of becoming an honorary magistrate and in order to please the deputy commissioner, he supplies him with all articles of food, e.g., flour, pulses, etc. If commissioners like Mr. Ferguson supervise the activities of deputy commissioners, then there can be no such injustice, because they are impartial and do their work

honestly. But the deputy commissioners of the type of our deputy commissioner being selfish always hamper the progress of local self-government.

In the end, I request that this resolution may be passed and non-official chairmen be appointed for the district boards. As regards resolutions which would be passed by the district boards and which would be objectionable in the opinion of the Government the commissioners should be given powers to reject them. As I do not want to take more time of the House I resume my seat with the request that this resolution may be accepted for it is beneficial for the people at large.

Mr. E. Mayadas (Non-official, nominated): The resolution before us suggests that mere bare majority should be sufficient for the appointment of a non-official chairman. At present all that is necessary is to get the approval of the Government because in case a board has made choice of a person who is in the opinion of Government not suitable for the post of a chairman then Government may be able to intervene. If an outsider were to come into this Chamber and hear this discussion for the first time, he would probably be carried away with the impression that Government is raising unnecessary difficulties in the way of district board members electing a non-official as a chairman, because he would take it for granted that all members are generally well fitted for this post. But that is not what we find. I would first of all state that it is possible occasionally to find members who are eminently fitted to be non-official chairmen and I would make special mention of a member of this House who is non-official chairman and who has been carrying on his work most efficiently.

What is the object for which district boards exist? I understand that the object is that they have to secure the greatest happiness of the greatest number and I presume that this resolution seeks to secure the greater happiness of greatest number than at present. Those who go as members of district boards, one would expect, should possess certain qualifications; for instance, they understand good budgetting, principles of equitable taxation and proper methods of expenditure. In addition to these, it is necessary for the chairmen to know English because Government letters and a lot of correspondence, most of the important correspondence is carried on in English. And then they should be acquainted with office procedure and most of all they should have plenty of spare time. At present what test is applied before persons are allowed to become members of district boards? Are they asked if they know anything about good budgetting, about principles of taxation and office procedure? No. The only qualification required of them is that they should possess a small area of land, or they might be paying a small local tax and sometimes not even that. It seems to me that this is not right from one point of view. If we engage even a grass-cutter we want to know if he has had any experience and if he will be able to do his work. And here we are employing men to take up such important duties and we do not enquire as to what their qualifications are. But from another point of view this procedure is justified because these people are given an opportunity of learning something about local self-government under the guidance of persons who are fitted for doing this work. It is a fact, whether we like to admit it or not, that by far

[Mr. E. Mayadas.]

a large proportion of district board members are not able to appreciate the responsibility which they undertake. Hardly 5 per cent. of members are fit to become chairmen of district boards. It is unfortunate, but it is true all the same, that very often the choice of members in selecting their vice-president falls on a person who is the least fitted for it, not always but very often. And the same would happen if they were allowed to select their chairmen. And why is it so? It is because of the influence that that gentleman exercises in other spheres that he is able to secure the majority of votes. What can we then expect in such an atmosphere where the chairman hardly knows English and where he knows almost nothing about budgetting and where he understands very little about office procedure? What force is it that retains such chairmen in their position? It is a position which is derived from the votes of member friends and when he receives support he is bound to make a return and this return will take the form of favouritism. Anyway that is what one would expect and that is what we find to be the case; and the Government reports and the audit reports confirm that view. I could quote instances but I will pass that over.

I would make special mention of one matter, which I learnt from the lips of His Excellency the late Governor, how he was distressed about the affairs of a certain district board, which had a non-official chairman, but the affairs of that board were so rotten that he was on the point of superseding it but because their term was about to expire and a new election was going to take place, therefore, he did not take that step. This district board about which I have made reference was under a non-official chairman and if details are required they will be found in the annual report of the working of the district boards about three or four years back. I do not mean to say that official chairmen do not make mistakes. They may make mistakes, but on the whole the affairs of the district boards are far safer in their hands than in the hands of non-official chairmen. The official chairman has also an automatic check on him because he knows that if he abuses his powers there is the Government that can punish him. Until the time comes when literacy in our province has increased, when a highly educated leisured class has come into existence that are public-spirited and are willing to give their time for the management of district board affairs and whom people of all communities can trust, till then the present arrangement is a very healthy one. I, therefore, think that Government should have a say in the matter whether the chairman is fit or not and that if he is not it is the duty of Government to step in and thus protect the interests of the tax-payers. With these words I oppose the resolution.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): If we carefully read the resolution there perhaps may seem to be some confusion, but after all there is some difference as to the rules regarding the election of non-official chairmen of municipal committees and the rules that are obtaining regarding election of chairmen in district boards. It has been ruled in the municipal committees that they must have non-official chairmen, but that is not the case with the district boards. At the same time there seems to be no statutory bar to the district boards electing their own presidents.

All that is to be found in the rules is that there is some difference with respect to the procedure that is to be adopted before the district boards can have their own non-official presidents, and perhaps it is that bar that is sought to be removed by this resolution. It seems to me that the rules require that a district board must convene a special meeting for the special purpose of deciding whether they want a non-official president or an official president, and if by a majority of votes—previously the rule was perhaps that there should be so much majority but that is not the law now—if by a majority of votes they have decided to have a non-official president they have to pass that resolution on to the Government before they actually elect their non-official chairman.

In the first place those who have brought forward this resolution and those who have supported the resolution should have tried to make out a *prima facie* case to the effect that Government have offered some difficulties in the way of district boards electing their own chairmen, or that the Government are abusing their powers in the interval before the actual consent of Government is obtained. It is clear that some time certainly lapses before the consent of the Government is received on the question. But, sometimes we are apt to forget that things as we find them are perhaps the only way in which the ideal of local self-government can be obtained. That is a very vast question and requires study and thought. Perhaps some members of this House will be surprised to find that local self-government as it obtains in different countries varies from country to country and from place to place. It may perhaps also be a surprise to learn that we have nothing like what is called local self-government in Italy. There we are told that there is the central government which appoints its own officials. There is no question of election there and the local self-government there is a body which has been appointed by the central government. That, again, is more or less the case in France, but with this much difference that whereas in Italy all the officials are appointed by Government, in France the members of the county are elected but the head of that county, that is the president of the county is a Government official. But the case is different in England, for instance in the county of London there are 120 counsellors and these 120 counsellors again elect 20 aldermen who must necessarily be out of those counsellors and there they again in their own turn elect their own president and that president has no more power than an ordinary member of the council, except that he presides at the meetings of the county council. But the deliberative functions are vested in the same body which is the administrative body. But that is only, as I have pointed out, in England. In Japan the mayor or manager as he is called is appointed by the Crown as is done in Italy and France. Here in this country the policy has been laid down that Government would not much object to the non-official president; here the ideal seems to be to obtain a non-official president. So far as the ideal is concerned it is very good. But we have to see that after all the attainment of that ideal is not in itself the chief thing or the chief object. We have to go beyond that.

Mr. M. A. Ghani: On a point of order. I have a hazy idea that the honourable member is making a second speech and I have a similar idea that Chaudhri Abdul Rahman Khan has made a second speech on this very resolution.

Mr. President : Chaudhri Abdul Rahman Khan was in possession of the House when this resolution was discussed last and has finished his speech to-day. The present speaker had not spoken before.

Sardar Arjan Singh : I was saying, that so far as we have to attain that object we must also try to find out how best to get an efficient and honest administration in the district boards. There is no gainsaying the fact that deputy commissioners have got experience and we must not try lightly to get rid of them and to lose the advantage of their long experience.

There is another point and that is this that the deputy commissioners are above party politics. An elected non-official president may have a party and he must also have some party strifes ; he may also be affected more or less by communalism in the district or in his own party, but the deputy commissioner certainly is above these party politics, and therefore he is more likely to have a more efficient administration than the non-official president. Our object is to get efficient administration and, so far as the present conditions in this province are concerned, it is only by retaining the official president that we can have efficient administration. With these words I oppose this resolution.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I think it is necessary to say a few words about this resolution. I fully appreciate the desire of the mover of this resolution and of those who supported it to democratise the district boards as far as possible. Democracy is in the air and the desire is simply natural, but I think sometimes in our desire to democratise our systems we are liable to go farther than it is quite safe for us at the present moment, and it is for that reason that I want to draw the attention of the honourable members of this House to the one great difficulty which would arise if this resolution is accepted.

Honourable members are probably already aware that Government has gone as far as it was really safe to go. At first the policy of the Government was embodied in resolution No. 4774, dated 20th February, 1925. Under this resolution every district board which had 75 per cent. of its members elected had a right to pass a resolution after every general election to decide whether it wanted or did not want to have a non-official chairman. That resolution under the then existing rules had to be passed by a 60 per cent. majority. Afterwards this resolution of the Government was amended and the privilege was extended to all district boards irrespective of the proportion of elected members that they had. The privilege was further extended and the 60 per cent. majority was not considered necessary, and a resolution passed by a bare majority was considered to be as effective as formerly a resolution passed by the 60 per cent. majority. However, in one important aspect the resolution No. 4774 stands. I would like to draw the attention of this House to paragraph 8 of that resolution. I need not read the whole paragraph, but I shall read only the relevant portions—

Government have decided that if any board resolves at a meeting specially called for the purpose and presided over by a non-official to request Government to be allowed to elect a non-official chairman, the request will be

duly considered and, unless there are any circumstances rendering this course undesirable, the Deputy Commissioner will be withdrawn from the board and on an order will be issued under section 18 of the Act determining that the chairman shall be elected.

These words are very important "unless there are any circumstances rendering this course undesirable." The object of the present resolution is to have these words removed from that Government order. My submission is that so far as the practical aspect of the question is concerned no difficulty has arisen. Up to this time only four district boards have exercised their right to elect their own chairman. One of them has always elected an official as its chairman. I mean the Sialkot District Board. The three others, namely, Gujranwala, Gujrat and Multan have elected non-official chairmen and Government has approved the resolutions passed by these district boards. Out of 29 district board, or rather out of 28 district boards—leaving out Simla—25 district boards are content with having official chairmen. Everywhere the deputy commissioner is the president and they are content to enjoy the benefits of the deputy commissioner's experience of administration. They have never yet passed a resolution asking the Government to remove the deputy commissioner and to allow them to have non-official chairmen. Thus, so far as the actual state of affairs is concerned there is no obstacle in the way of any district board if it wants to elect a non-official chairman of its own. But my submission is that there may be cases in which this reservation may have to be exercised by the Government. There may be cases in which it may be undesirable from various points of view, in the interests of the district itself not to approve of the election of a non-official chairman. My friends are probably aware that even in the case of municipalities where people who are returned to the committees are presumed to be more educated and more enlightened than the people living in the countryside and where the presidents elected by such elected representatives of the people are supposed to be very well-educated and cultured men, even in the case of such municipalities the approval of Government is required before a president can take over charge, even if he is elected unanimously by the members of the committee. I do not see any reason why district boards should claim a privilege which is not yet enjoyed by the municipalities themselves. No one can say that the district boards are more democratic, that they are politically more advanced, that they are educationally more advanced, that they have greater experience of administration, that they understand public finance, and other questions relating to education, sanitation and such things better than the city folks do; and yet my friend and his supporters of this resolution want that the district boards should be placed in this respect on a higher level and in a better position than even the biggest municipalities in the province. I think the unreasonableness of this demand must be apparent to all.

Then there is another point which has not been noticed by any of the speakers on this resolution so far as I can recollect, and that is this. The Government contributes more than half the total income of the district boards. From the latest report of district boards which I have got before me it would appear that while the total income of district boards from other sources was 97.9 lakhs, the contribution of Government was 99.5

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lakhs, so that a crore of rupees is more or less being contributed by Government towards the finances of district boards. Now, is it really contended that while Government should contribute a crore of rupees to the coffers of district boards it should have absolutely no control over the administration of those boards? If the district boards and the Government are treated as partners in the sense that each contributes, say more or less a crore of rupees towards the working of the boards, should one of the partners not have any control over the business? Is it even in accordance with the ordinary notions of partnership? If the district boards elect non-official chairmen Government has no vote in that respect, but it reserves to itself the right of vetoing the elections only in special circumstances.

Mr. Muhammad Din Malak : Where is the objection to holding these elections by ballot?

The Honourable Dr. Sir Gokul Chand Narang : That is the second part of the resolution and I may straightaway say that there is none. That part of the resolution may be deemed to have been accepted. But I feel that I must oppose the other part of the resolution, namely the removal of this little control by the Government over the appointment of non-official chairmen of district boards. When my honourable friend, the mover of this resolution, himself could not take charge of the biggest municipality of the province without the Government's previous approval of his election, does he really expect that the presidents of district boards in far less advanced areas of the province should be allowed to take charge automatically as soon as they are elected by a bare majority by the district boards? I do not mean to say that these elections will not as a rule be conducted with circumspection and with care and with a due sense of their public duty by the members of the district boards. But there may be say one case out of twenty where the members of district boards, for one reason or another may elect as chairman one who is really not suited, who does not possess the ability to carry on the administration of the district or it may be that they may for some political reasons be returned on grounds the same as those on which the Congress people have been returning some members to the assemblies and the councils in the various provinces. If such a thing happens, is it contended that Government should have no power to veto the election of such a person? I am sure every reasonable member in this House would realise that that power should be in reserve with the Government to be used in cases of necessity.

Then there is another point. Honourable members who have supported this resolution have overlooked one important fact and it is this, that we are now on the threshold of a new system of Government. The Act has already been passed. The bureaucratic character of the Government would entirely disappear. The few white faces that we see here now will not be seen hereafter unless they retire and as private citizens of this province they are returned to the Council by our votes. The bureaucratic character of the Government will disappear and we will have at the helm of affairs men who will be absolutely our own, who will be responsible to us for everything relating to either finance, law and order, education, local self-government and so on. There would no longer be any reserved departments of

Government. We cannot expect that the ministers who will then be in charge of Government will ever have the courage to veto the election of a president elected by the members of the district boards except in cases of absolute necessity and where it is absolutely clear that the election should not be approved of. You should not tie the hands of the Government that is coming. In any case if you do want that Government should lose all control over the elections of presidents, then better wait and consult your own ministers, not the present ministers who are only to a limited extent your own ministers. It is only in theory that the present ministers are your own. But the time is coming when no one will be able to sit on these benches unless he is absolutely amenable to the discipline of the honourable members of this House. At that time, I have not the slightest doubt, they will always accede to your wishes. If I were in the position of the honourable member in charge of the resolution I would certainly withdraw it and wait till that time even though I may be convinced that the resolution is in every respect sound.

One other argument was advanced that it is undemocratic that Government should have any control over local bodies. That is a matter which has been discussed very often on the floor of this House. On a very important occasion to which I need not refer specifically when a reference was being made to the new constitution I had the temerity to say that we were going to get a constitution in this country, which does not prevail in many important countries in Europe at the present moment. It was really sending out a suit of clothes to India which has grown out of fashion in Europe. I do not mean to say that democracy should be despised or kicked out. It is a very good system, but only within certain limits. We should certainly hasten, but hasten slowly and not rush things to the detriment of the efficiency of administration of any of our institutions. You are probably aware that in Europe local bodies are far more under official control than local bodies in this country are. If honourable members had read Mr. Marsden's speech or heard it when he delivered it in this House, they would probably remember that he pointed out that in France which according to many people has been the champion of liberty, equality and fraternity and which has been foremost in creating revolutions and where democracy has had full play and is still having full play the official control over local bodies is far more stringent than it has ever been in this country. Therefore official control particularly when it is going to be exercised by Ministers of your own choice is not inconsistent with democracy at all. I would, therefore, ask the honourable mover to withdraw his resolution. *(Cheers)*.

Mr. President : The question is—

This Council recommends to the Government to so change the rules of election of chairmen of district boards as to allow the district boards to elect non-official chairmen in cases where a resolution is passed by a bare majority of non-official members to that effect and without obtaining Government's approval; and also to allow the voting for deciding the question about official or non-official chairmen to take place by ballot.

The Council divided: Ayes 10; Noes 44—

AYES

Atfal Haq, Chaudhri.	Mubarak Ali Shah, Sayad.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Abdul Rahman Khan, Chaudhri.
Allah Dad Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Malak, Mr. Muhammad Din.	Muhammad Sarfraz Ali Khan, Raja.
Mazhar Ali Azhar, Maulvi.	Ram Sarup, Chaudhri.

NOES

Abdul Aziz, Khan Bahadur Mian.	Labh Singh, Mr.
Askwith, Mr. A. V.	Macfarlane, Mr. D.
Balbir Singh, Rao Bahadur Captain Rao.	Mamraj Singh Chohan, Kanwar.
Bhagat Ram, Lala.	Mayadas, Mr. E.
Bourne, Mr. F. C.	Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Boyd, The Honourable Mr. D. J.	Mukand Lal Puri, Rai Bahadur Mr.
Bradford, Mr. W. G.	Mukerji, Rai Bahadur Mr. P.
Chetan Anand, Lala.	Muzaffar Khan, The Honourable Nawab.
Dobson, Mr. B. H.	Nathwa Singh, Chaudhri.
Faqir Husain Khan, Chaudhri.	Nihal Chand Aggarwal, Lala.
Fazl Ilahi, Khan Sahib Shaikh.	Nur Khan, Khan Sahib Risaldar Bahadur.
Firoz Khan Noon, The Honourable Malik Sir.	Pancham Chand, Thakur.
Ghani, Mr. M. A.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honourable Dr. Sir.	Parkinson, Mr. J. E.
Gurbachan Singh, Sardar Sahib Sardar.	Rahman, Khan Bahadur Dr. K. A.
Haibat Khan Daba, Khan.	Ramji Das, Lala.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Ram Singh, 2nd-Lieut. Sardar Sahib Sardar.
Jogendra Singh, The Honourable Sardar Sir.	Sampuran Singh, Sardar.
Jyoti Prasad, Lala.	Sewak Ram, Rai Bahadur Lala.
Kesar Singh, Rai Sahib Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Labh Chand Mehra, Rai Sahib Lala.	Sheo Narain Singh, Sardar Bahadur Sardar.
	Tate, Mr. T. B.

Ujjal Singh, Sardar Sahib Sardar.

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

MORAL INSTRUCTION IN SCHOOLS.

Sardar Sahib Sardar Gurbachan Singh (Jullundur, Sikh, Rural) :
I beg to move—

That this Council recommends to the Government that a committee consisting of a majority of non-official members of this Council be appointed to consider the question of the introduction of regular moral instruction in primary and secondary schools and to suggest other adequate measures to improve moral discipline in the schools.

The purely secular education given in our schools has unbalanced the minds of our young boys and they lack in moral strength. Only a couple of months ago Sir P. C. Ray writing under the heading of "vagaries of students" created quite a sensation and the article was reproduced in all good papers. I think his remarks must be quite fresh in the minds of most of us. The Punjab University in one of its reports issued before the introduction of proctorial system in the local colleges deplored it in the following words :—

"We have received much evidence that earnest studiousness is declining, that students are becoming alarmingly frivolous and extravagant, that habits of intemperance and gambling are increasingly prevalent and that sexual immorality is not rare."

Demoralisation does not end here. In the case of some of the young men who enter the Education Department as teachers it assumes an extremely heinous and ruinous form of seduction of the very boys put under their charge to be trained as good and useful citizens. In order to show what havoc some of these so-called teachers are playing with the morals of our school boys I would quote verbatim the opinion of those who can speak with authority on the subject.

This is what Khan Bahadur Khurshid Ahmad, retired Inspector of Schools, writes in his letter to the *Eastern Times*, dated 22nd October, 1932 :—

"To think of the remedy I think we should look to the causes. Here in this province very young boys generally unmarried on passing out of Normal schools get jobs in village schools, with little or no supervision. They sometimes form such vicious connections which generally go undetected. The site of the school generally isolated from the main village furnishes a very safe asylum for the purpose. This accounts for the spread of the vice in village schools. The case of secondary schools situated in towns is worse. Amongst other factors private tuition of any form with no proper supervision, excursions, etc., all furnish very convenient opportunities for forming such illicit connections which when once formed continue indefinitely. A certain amount of indulgence allowed, the offer of help at house examination and the prospect of any easy pass at the annual promotion test, these and other so-called favours shown to a boy are sure to win him over to a connection that works like a double edged sword, it spoils the boy's character and ruins his career. It is only very rigid supervision and a firm hand that can stem the tide, but this is not forthcoming everywhere. The detection of the crime is a very difficult task. The connection in most cases takes the form of a love affair and neither of the parties concerned would like to disclose the secret and the parents are lulled into sleep by the outward regard the culprit has for their son. Even in cases where compulsion has been used and the outraged son has taken his woeful tale to his parents, no action is taken, as it is feared it will tell on the reputation of the boy and of the family. The headmaster, too, if complaint comes to him, would try to hush up to keep the fair name of the school from being soiled. In these days of racial difference again, the culprit finds a ready asylum to take refuge. The charge brought against him becomes a racial question; defence evidence becomes easily available and the case is lost."

Similarly Mr. P. N. Moulick, Principal, Sanatan Dharam College, writes in his statement published in the *Tribune* of 4th June, 1935—

"As a teacher of fairly long experience and as a member of the management of some schools, some primary and secondary, I may be permitted to observe with some authority that the vice is quite widespread among students and in most schools there are some teachers who are corrupters of the young. I have frequently found that many of such teachers are otherwise very useful, and sometimes really efficient workers. Their efficiency and usefulness become a successful cloak for the vice. Once the teacher has corrupted a group of pupils it is not infrequently the case that there is a scramble among the helpless victims for the teacher's favours. Gymnastic masters, drill masters and drawing masters form the majority of such unnatural offenders. I have known cases where the

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offenders were very venerable and pious teachers of religion in schools. The age or formal piety of teacher need not make guardians, headmasters and managers of schools quite unsuspecting of him.

The proper remedy for this vice is drastic regulations of the Education Department providing for the dismissal or voluntary resignation of perverse teachers even on strong grounds of suspicious conduct where definite proof is not available.

For students frank and healthy sexual education with the inculcation of matter of fact morality is a potent remedy."

Mr. M. A. Ghani : On a point of order. Is the honourable member in order in reading long statements of other people? He can only refer to them and cannot read them.

Mr. Deputy President : The honourable member can quote extracts.

Sardar Sahib Sardar Gurbachan Singh : It is only an extract from the *Tribune*. These instances can be multiplied, but I think this would suffice and they can be substantiated with actual cases of seduction recently decided or subjudice. I quote a few cases that I have come across casually in the papers—

The Mailsi (Multan) Teacher's case,

The Ambala Drill Master's case,

The Lahore District Board School Teacher's case,

The Pindi Headmaster's case,

The Sangla teacher's case, and

The Banga teacher's case.

This much about the seduction of boys by teachers. Next comes the case of goondas, the hawkers, the vendors and even some of the book-sellers and I read extract from a letter contributed to the columns of the *Tribune* by Mr. K. L. Rallia Ram, Headmaster of the Local Mission High School, Rang Mahal, Lahore—

"There is not the least doubt that in the very city glaring instances of it are found—there exists a secret organization of goondas who seduced young boys through various agencies and means. Their agents are sometimes found raving round schools and inducing boys by offering them many temptations in form of sweets, etc., and leading them to those hidden places where their future character is altogether spoiled."

But what is the Department doing to cope with this evil? Here I will quote the words of no less an authority than Mr. Sanderson our Director of Public Instruction who retired only yesterday. In his demi-official letter, dated the 19th September, 1934, to the Inspector of Schools and others he observed—

"There is generally delay in the institution of legal proceedings or the conduct of the enquiry with the result that the offender often goes without adequate punishment or any punishment at all and not a few departmental officers have shown an utter lack of a sense of proportion in dealing with such cases."

Such is the verdict of one whom none can accuse of exaggerating facts. But there is a silver lining in this dark cloud and it is gratifying to note that the Honourable Minister for Education has lately taken up the matter and instructions to deal with such cases promptly and efficiently have been issued to the authorities concerned. But it is only a step in the right direction and much more will have to be done to fight this evil successfully. We must go to the very root of this evil. The introduction of moral instruction in all primary and secondary schools is of the first necessity. Such instruction was a regular feature of education in this province some two

decades back and it was given under the special instructions from the then Secretary of State for India himself. I would draw your thoughtful attention to the lines from the preface to "Man and his duties," then used as a text book for the purpose.

"The want of moral culture in our Indian schools has been long felt. It is not believed that, with the advance of education, a higher tone is not being gradually developed; but the intellectual side of the scholars has been chiefly addressed, with this result, that the *heart power*, or power of character, has not grown with the growth of *brain power*. This is, of course, a calamity. It is the putting last of that which should be first for a well-moulded character—in its temper, habits, and sentiments—if of far more value than even the highest intellectual attainments. To remedy this evil, various proposals have been made from time to time. The Education Commission recommended certain measures of discipline and supervision, which, where not already in operation were at once adopted in the Punjab. In December 1887, the Government of India, endorsing an order of the Secretary of State on the subject, discussed the whole matter of mental training in Indian Schools."

Next, instruction in sex hygiene and the value of purity should also be given. But all these and similar measures will prove entirely abortive unless and until we first turn to the negative aspect of the task, viz., the prevention of seduction of boys by some of the very teachers intended to train them into good and useful citizens. To this end I would like to suggest following points:—

- (1) Appointing no unmarried person as a hostel superintendent or as a teacher in primary schools;
- (2) providing for the instruction in sex hygiene of the student teachers in our training colleges and schools;
- (3) forbidding teachers to call students to their houses or detaining them before and after school hours under any pretext whatever;
- (4) devising means to reduce to a minimum the usual fatal delay in instituting legal proceedings or conducting departmental enquiry;
- (5) preventing the hushing up of cases by the headmasters and others through the institution of special measures on the receipt of a complaint;
- (6) suspending teachers charged with immoral conduct before starting departmental enquiry;
- (7) requiring all inspectors to make regular private enquiry on the occasion of their visits as to the moral conditions of schools and to enter the result thereof in a separate column to be provided in the Log Book for the purpose;
- (8) keeping a permanent register for all complaints in regard to the misconduct of teachers and submitting a return of the same annually to the Department;
- (9) seeking the co-operation of the police with a view to immediate action on their part when a case of molestation of school children by *goondas*, hawkers, booksellers, etc., is reported to them,
- (10) enforcing strictly in schools the Juvenile Smoking Act of 1915;

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- (11) introducing some such check as the University has already introduced in colleges in the form of proctorial system, etc.;
- (12) arranging measures for the prevention of hushing up or nominal punishment of such offenders in recognized non-Government schools managed by local committees of management; and
- (13) enforcing the recruitment of drawing masters and drill masters who form the majority of such offenders from amongst higher classes of persons, with superior cultural equipment.

In the end the importance of proper bringing up of school children cannot be over-rated and Lord Minto 20 years ago saw that a godless education will prove disastrous when he said—

“In the old days education and religion went hand in hand; but a complete change has come with our administration that is in education we supply no moral control over Indian youths, and we run the risk of creating a class peculiarly devoid of that strength of moral character which should constitute a foundation upon which nation should rely.”

Similarly Mr. T. Roosevelt said—

“No nation is safe unless in the average family there are healthy and happy children. If these children are not brought up well, they are not merely a curse to themselves and their parents, but they mean the ruin of the State in the future.”

With these words I commend the resolution to the House.

Mr. Deputy President : The resolution moved is—

That this Council recommends to the Government that a committee consisting of a majority of non-official members of this Council be appointed to consider the question of the introduction of regular moral instruction in primary and secondary schools and to suggest other adequate measures to improve moral discipline in the schools.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban) : My honourable friend from Jullundur deserves to be congratulated for moving this resolution. It deals with a very important matter. Our educational system has a gap which requires to be filled. In olden times boys were given religious education first before they were admitted to any school. But now-a-days even that education is not given and young boys of very tender age are sent to schools and placed under the charge of raw, inexperienced youths out from a normal school, with the result that very grave abuses crop up. No education is worth having if it does not impart moral instruction. I think in any scheme of education character-building should occupy the foremost place, but it is a matter for very great regret that for the last many years no attention has been paid to this very useful and important side of education. Education should fit a man morally, intellectually and physically to face the struggle for existence. We have been hearing of many suggestions for improving the secular side of education. Attention of the Government and the public has been drawn from time to time with regard to deficiencies on the secular side. But unfortunately the attention of the public and the Government has not been sufficiently focussed on moral teaching. Not only is there no moral instruction in the schools but there is in existence grave immorality and instances have been quoted by my honourable friend from the experience of those who have been charged with the instruction of young boys. This is a very lamentable state of affairs, and should be put to an end. I do not mean to convey that immorality

exists in every school or that every teacher is immoral. But even the instances quoted by my friend are sufficient to justify an immediate action by the department. I would suggest that a certain time should be fixed for moral instruction in schools and that teachers who are unmarried should not be appointed as superintendents of hostels, *e.g.*, when youngmen who are inexperienced, who have no self-control, who are not disciplined and have had no moral training are apt to abuse their powers. Unless some arrangement is made by which sufficient check is placed on those young teachers, and when those teachers are caught exemplary punishment is given to them, that abuse is not likely to be stopped.

For moral instruction there appears to be some difficulty as it may be said that on account of a large number of religions, I should call a multitude of religions, it becomes rather difficult to impart any kind of moral instruction. But I would submit that moral instruction on general lines can be taught with great advantage. No religion permits that abuse which now exists in our schools. Every religion lays emphasis on truth, honesty, straightforwardness, spirit of self-sacrifice and upon character-building. And if some method is devised, as has been suggested with resolution and a committee is appointed, that committee might go into the whole question and might meet the objections which might be put forward from any quarter. Some sort of code of moral instruction can be evolved, and if that is done I am sure it will prove very useful, it will be a step towards character-building which as I have already said should occupy a leading place in any scheme of education. It is not possible on the floor of this House to lay down any general lines but it will be the business of the committee which my honourable friend suggests to formulate a scheme and the method by which moral instruction might be imparted. I might also suggest that at the time of medical inspection boys should be warned by medical inspectors of the ruinous results of sexual abuses. With these few words I very strongly support the resolution.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I had no intention to speak to-day but seeing that this debate on this resolution calls for some suggestions, I venture to place before the Director of Public Instruction and the Honourable Minister for Education a few points that occur to me. I have full sympathy with the object of the resolution though I do not agree with the very dark picture the honourable mover has painted with regard to our boys studying in our schools and colleges. Our boys whether they are students in schools or in colleges are as good or as bad as students reading in other provinces or in other countries. The lack of religious spirit is not common merely to the students in India but common to the students in the West also. There is a general complaint that religion as understood in the past does not claim the same kind of study as it claimed years ago from our forefathers and ancestors. We do not know whom to blame, the religion itself or the advance in education and so on of the modern times. But the subject is of such vital importance that it cannot possibly be ignored. For example it has been suggested that sex education should be given to the students. This question is a very delicate and difficult one. If the teachers are going to give education in sex matters there is a very grave danger that they might not themselves prove sources of contamination. That has been greatly feared and it

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would be a very bad thing if teachers ill-equipped mentally and morally for the purpose should be made teachers of such delicate and difficult subjects as sex matters. This is a point of view which I wish to place before the committee which might be formed and before the heads of the Education Department. It is a very difficult and delicate matter and it is not possible to make every teacher in a school or even a good percentage of teachers in schools teachers in sex matters. Instead of doing good thereby you might be doing harm. That is one aspect of the question which I would very forcibly place before the Honourable Minister for Education and the Director of Public Instruction. It does not mean that I do not support the resolution but to those who are going to deliberate on this point I want to place this point for their careful consideration.

There is another point which requires to be considered. Religious education and moral education to my mind are two different things. Some sort of confusion exists in the minds of certain honourable members that in order to give what is called moral education it is essential to give religious education, and that as there are a number of religions in India perhaps it would be a very delicate and difficult task to give religious education and through religious, the much needed moral education. But as I understand it, moral virtues such as the speaking of truth, being patriotic, self-sacrificing, and matters of that kind, can be taught without going into the religious tenets and doctrines of particular religion and that aspect of the question must be emphasised by the committee. It is undoubtedly true that the textbooks do not deal with the moral virtues to the same extent as they used to do when I was a student at school. For example, more emphasis was laid on textbooks which dealt with moral subjects, but now we find that greater emphasis is laid on stories and such other things and the same importance is not given in the textbooks to moral instruction as was done in the past. I have noted this deterioration from my point of view and from the point of view of the honourable member who has moved this resolution. If the Education Department or the Punjab University take up this question of the improvement of textbooks from this point of view it would go a great way in emphasising the necessity of moral education from the very childhood. Such a thing should be done.

Another thing that strikes me is that great emphasis should be laid on games. Games are not given the same importance as they should be given in the school curriculum. We know that a healthy body contains healthy mind. It is very difficult to corrupt a boy who takes part in games and who is healthy in every way. That is a matter which I would like to be given due importance to in schools and colleges.

As a matter of fact, as I said before, the real question is one of finding suitable teachers. Suitable teachers in order to impart moral education in the younger days of the child are the ladies and females of the family. Unfortunately we have not got that agency of lady teachers. But public opinion must be educated and moral education should be imparted through the influence which a child gets in his home. Home influences must be emphasised with regard to this matter.

These are some of the thoughts which have suggested themselves to me while I was listening to the speech of the honourable mover on this point. With these words I support the resolution.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (*Urdu*): When I read this resolution on the basis of my experience of schools I found that the thing at which it aims cannot be achieved in the manner suggested in it by the honourable mover. Many times various headmasters of schools brought to me complaints about the same matter and proposed that something should be done in this connection in the Legislative Council. What these headmasters stated was that it was not the students who were corrupt but it was the teachers who were corrupt. The headmasters requested me to draw the attention of the Department to this fact by bringing a motion with the object of discussing it. The honourable mover of the present resolution has suggested in his speech that some religious instruction should be given to boys in the schools. This means that he wants to improve the moral tone of the boys but not of the teachers who seduce them. The other two honourable members also stressed the point that measures should be adopted to introduce regular moral instruction in schools. If this were to be done it would require that the attention of the students should be invited to immorality. I am entirely opposed to the idea that the attention of students should be invited

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to this evil for I think it will be a sort of inducement to evil and it will do more harm than good to students. If the fault lies principally with the teachers we should try to reform them and refrain from lecturing upon the evil before students. This evil is rampant mainly in big towns and cities like Lahore and Amritsar. In my opinion the best thing would be for the headmasters of local schools every now and then to hold meetings in order to devise means to combat the evil. With regard to the internal administration of schools I would submit that teachers suspected of misconduct should be severely dealt with. Besides every care should be taken to appoint teachers of high moral character, who may be able to improve the morale of students. I do agree to the appointment of a committee of the members of this House who should suggest suitable means to root out this evil. But this alone would not solve our difficulty. There are gangs of *goondas* and loafers always found near educational institutions. The authorities should always be prepared to take prompt action against these people. I think the committee, if appointed, should give serious attention to this matter. If you could properly deal with these *goondas* you would do a great service to the student community. Anyhow I have every sympathy with the spirit of the resolution now before the House.

Mr. J. E. Parkinson (Director of Public Instruction): It is very gratifying indeed to me to read the resolution of the honourable member because it is an indication of the interest which he takes in the Punjabi boy and also shows his desire to safeguard the youth of this province from the many temptations which assail him. I feel sure that underlying this resolution is the hope and the wish with which all here are in entire sympathy. I have listened to his suggestions with great interest and I can assure him that for my part I have listened to and shall give the most careful consideration to all those recommendations, and I can also promise him that if any

[Mr. J. E. Parkinson.]

cases of indiscretions and evil on the part of the teachers come to my notice I shall do as much as I can to see that they are promptly disposed of.

I feel perhaps that the resolution has not been worded as the honourable mover might have meant it. He has left out two very important words. He talks about moral instruction and moral education. The two are not the same thing. Moral instruction is more direct but perhaps not so important on the development and on the strengthening of character as moral education. Moral instruction is a matter of teaching and text books; moral education includes all those factors of which each individual one may have very slight impression but the cumulative effect is, I think, very very great. Instruction is more concerned with knowledge; education is concerned not merely with knowledge but with the provision of facilities for giving opportunities to develop all those excellent habits and moral qualities which we desire to see, I think that by moral instruction the honourable mover means moral instruction *and* moral education.

He and the honourable gentleman who spoke next, gave us a rather pessimistic outlook of the Punjabi boy. I am in agreement with my friend Pandit Nanak Chand when he points out that the Punjabi boy is no worse, possibly also no better, than the boy of any other State. I have had a considerable experience of the Punjabi boy and I am filled with admiration for him. We older people perhaps forget that our children probably are very much the same as we were at their age. We think that the old age was the better and the old generation was better, but I very much doubt it and I feel that there is no serious deterioration in character at all. Times differ, circumstances alter and the march of progress brings along with it many distractions and many allurements but in spite of these I think that the Punjabi boy stands up to them very well indeed (*applause*).

This very, very important matter has received consideration both by the Government of India and by other local Governments and administrations, not once but many times. In 1887—I am speaking now from memory; my dates may not be accurate, but I think they will be approximately accurate—in 1887 the Government of India seriously perturbed at the tendencies towards irreverence and subversive of discipline issued a somewhat lengthy Resolution on this question. In this Resolution many suggestions were made. Local Governments considered these. In 1888 there was a conference in the Punjab. Again, in 1911 the Government of India issued a Resolution developing to some length its previous remarks, its previous views and making more recommendations. In this Resolution it invited the opinions of local Governments and administrations. As a result of these, conferences were held in Allahabad, Bombay, Calcutta and the matter was considered by many local Governments. In 1915, the Punjab Government adopted many of those resolutions and put them into practice in their schools. Again, in 1920 the Government of India gave this matter its serious consideration and made additional suggestions. So we have before us a considerable mass of opinion on this very, very important matter, and I very much doubt whether any additional data or additional suggestions made by the proposed committee will be commensurate with the time involved, the labour taken and the expenditure spent.

Before going on to speak of the work which the Punjab schools are doing towards the strengthening and development of character, I should like to point out in support of what my honourable friend says that much depends upon the teacher. Many of these suggestions have been adopted, but it must be remembered that the formation of character is a slow process.

Again no moral education can be soundly built up unless we have contented and qualified teachers, men of high attainments who will do their best for the youth. I quite agree with the honourable proposer of the resolution that we must emphasise the training of our teachers. In addition to this there are other essentials. We also want a wise inspectorate; we also want sympathetic managing bodies that will give their teachers security of tenure; we also want disciplined homes. Until all these exist I think any effort on the part of the schools will be greatly hampered.

I now propose for a short time, if I may, to outline the work that is being done in the Punjab schools in regard to moral education. I will deal with moral instruction later. One of the most valuable influences in the formation of character is the boy scout movement. This affords very many opportunities for the practice of those qualities which we all desire to see in our children—co-operation, cleanliness, unity, self-sacrifice, etc. Those who are sceptical of the value of this movement ought to attend a boy scout camp, not for one afternoon, but preferably for two or three days. Then they will be convinced that behind this movement there is an ideal, a high endeavour and also very many opportunities for developing those qualities that we want to see. This movement has spread rapidly and is still growing. Another movement which is increasing very rapidly indeed and which deserves and gets all encouragement from the Education Department is the Junior Red Cross Society. Very many schools, speaking from memory, I should say perhaps 2,000 schools in the province, have formed Junior Red Cross Societies. Membership of this society calls for such qualities as self-sacrifice and kindness. We have also thrift societies which discourage extravagance and encourage simplicity of life. Again, in regard to organisation of schools, many schools now have adopted the prefect system, a system which plays so large a part in our English Public Schools. Even the severest critic of those schools will admit, I think, that this system gives very many opportunities for developing qualities of leadership and responsibility, of self-reliance qualities which we want to find in our Punjabi boy, qualities which our schools must provide opportunities for. Again some schools are now handing over the control of the institution to the boys themselves through what I may call discipline boards. The boys themselves are responsible to a large extent for the running of the institution. The value of this is obvious. It opens out the possibilities of training our youth.

I do not want to spend much more time talking about games, the provision of playing fields, medical inspection and all those many activities which give those opportunities. All these are either financed by, supported by, encouraged by or sympathised with by the Education Department. So much for moral education.

The Education Department is also alive to its responsibilities in regard to direct moral training. It has been mentioned by the previous speakers that our present text books do not contain enough of that kind of moral

[Mr. J. E. Parkinson.]

literature which he considers is desirable. Our reading books *do* contain moral lessons.

In regard to religious instruction the policy of the Government has been very clearly enunciated. The difficulties are obvious and I need not dwell on them. But here again the Punjab Education Department fully appreciates what was mentioned by one of the previous speakers about the great value of the religious sanctions which form the basis of all moral instruction. Even in the matter of religious instruction the Punjab Government permits lessons in religious instruction to be given in Government schools out of school hours.

Now with regard to the teacher, I said already that he was the keystone. Without a self-respecting body of teachers, without teachers of high talents all these would be of little worth. At Ghakhar and Lala Musa, normal schools for the training of primary teachers have been organised. The aim in these schools is simplicity of life. The boys in these schools are trained to go out not only to influence the character of boys but also to enlighten the whole village community. The hope is that the teachers from these institutions shall be centres of enlightenment in the village community. Many of those listening to me will be able to speak far better than myself on the work that the village teacher is doing towards the regeneration of the countryside. In the Central Training College, an institution for the training of teachers of high schools, an attempt is made to give opportunities for leadership and for the bearing of responsibility. Extravagance is discouraged, the simple mode of life is emphasised. The men are told that they have got to see when they return to schools that they find by one way or another an opportunity by which the boys in the schools can be helpfully occupied in developing and strengthening their character. Perhaps I may say that on the day of the Quetta earthquake every man of that college without exception and at a moment's notice volunteered for any work he could do at any time and in any place. (*Hear, hear*). That I am proud of. I may also recall to your mind the most excellent work done by hundreds and hundreds of school boys who willingly offered their services at that particular time. Now there is not very much wrong with a body of students like that. Otherwise they would not have offered themselves. I could go on speaking about other matters. I could tell about the vernacular schools, of their farms and their gardens and the opportunities through manual labour for the development of qualities of co-operation and so on. I could speak of the manual training in the high schools and the colleges. But I think I have said enough. I have spoken at some length because I hope to convince the honourable mover of this resolution that we are all in sympathy with him. But personally I do not think that the formation or constitution of a committee is necessary at this time. I hope I have convinced him. We are prepared to listen to any suggestions and to take any action that we may think suitable. The Punjab Education Department is alive to its responsibility and I cannot see that the constitution of this committee would give us results commensurate with the time and expenditure and labour involved. (*Cheers*).

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I rise to support the resolution which is now

before the House. If we pay sufficient attention to the education of our children, their morals will improve and most of the indecent and unpleasant incidents that take place every day will come to an end. The reason why these disagreeable things happen is that there is no provision for moral education in our schools and institutions. The present system of education does not help at all to improve the morals of our boys. Its object is only to prepare them for clerical work. But in these days they are unable to get even petty clerkships. That is why there is so much unrest in the country. India is full of various classes and communities. Our children do not get any ethical and religious education. We hear nearly every day that a Muslim has been murdered by a Sikh and a Sikh has been murdered by a Muslim. But the truth is that no religion permits any such heinous crime. Therefore, in order to put an end to such occurrences, we must give the right sort of education to our children. Religion certainly does not permit or encourage any kind of persecution. If religious and ethical education is given to our children, there will be no unhappy occurrences; there will be peace in the country; and the social and economic condition of our country will improve considerably. Thus they will also come to realize that it is a sin to accept a bribe. They will refrain from evils, and will not commit dacoities and murders. If we find so much corruption in various departments, it is because our children do not get proper training.

Incidents which happen in our schools and colleges every day are so disgraceful and scandalous that I feel ashamed of mentioning them to you. It will be quite indecent to throw any light on them in this honourable House. We know that immorality among our children will spoil the whole nation and will ruin our country. It is high time that we do something to improve this state of affairs and save our country from complete ruin.

The modern system of education is out and out European. There is a world of difference between the civilization of our country and that of Europe. There is a great deal of modesty and chastity among our women. In this respect we are head and shoulders above any other nation in the world. The western education has greatly spoiled our morals. My ancestors were Hindus, and I belong to a respectable Rajput family. Even in the olden days we used the veil, but when we accepted Islam, it became incumbent. I am against the co-education system. It is totally against all our good traditions. It is entirely undesirable that members of the opposite sexes should have free social intercourse at the time of adolescence. This familiarity leads to every kind of vice. If we introduce ethical education into the syllabus of our schools, the moral condition of our students will become much better. But we should pay greater attention to the education of our girls. They are the hope of our nation. One day they have to become mothers. If there are good mothers, we shall make a great nation one day. The building up of a nation depends on women and on their education. Therefore, I would strongly appeal that the proposed committee should be formed forthwith and its suggestions followed. All defects should be removed from the system of education so that the coming generations may be good and our country may advance by leaps and bounds. With these words, I strongly support this resolution.

The Honourable Malik Sir Firoz Khan Noon (Minister for Education): First of all I should like to congratulate the honourable mover of

[Hon. Malik Sir Firoz Khan Noon.]

this Resolution for his drawing the attention of this House and the public to a very important subject. I feel that the progress of a nation depends on the character of its youth and no educational system in any country in the world can ignore the moral education and instruction of its children. Secondly I should like to congratulate my new colleague, the Director of Public Instruction, on his excellent speech on the subject (*cheers*) which he, as an expert, dealt with in a masterly manner and I am glad to say that he has left very little for me to reply to in this debate. I should also like to congratulate some of the members who have spoken on this resolution with a cool head and careful consideration. Some of their remarks have really been greatly appreciated by me because they have looked at this problem as any parent of any child in any country would. I do not wish to take the time of the House by taking up each point of every speaker, but I should like to say a few words on the definite proposals made by the honourable member from Jullundur, the mover of this resolution.

His first definite suggestion was that no unmarried person should be engaged as a teacher in a primary school or as a superintendent of a hostel. As a matter of fact the Education Department have already anticipated his wishes in this matter and it was some time ago that some honourable members asked certain questions on the subject and Government accepting the principle underlying those questions have already issued instructions to all the inspectors that so far as primary schools are concerned preference should be given to a lady teacher wherever she is available. The honourable member will realise that we have gone a step further in this direction. For little children of the kindergarten classes it is the woman teacher who is really the most suitable. She is even better than a married teacher and the honourable member can rest assured that if married teachers are available they would certainly be given the consideration they deserve. But the difficulty is that marriage does not take place unless the man is economically on his own legs and he does not stand on his own legs till he gets a job. Therefore it happens that when they enter the department they are usually unmarried and as they get a job they get married because people are willing to give their daughters in marriage to persons who have a living. It will therefore be hard to lay down any hard and fast rule in matters like this. If we lay down the rule that in primary schools unmarried teachers should not be employed, then I am afraid that a large number of primary schools will have to be closed. But the spirit underlying the suggestion will be put into effect as much as possible.

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

The second suggestion was that sex hygiene should be taught in training colleges and schools. In training colleges I agree; but in schools I hope the honourable mover took to heart the criticism levelled against the suggestion by my friend from Hoshiarpur. Several years ago I remember reading in the newspapers that in America little boys of ten or twelve—six or seven of them collected together and committed the murder of a girl. They dressed themselves up like Red Indians with bows and arrows and feathers on their heads and with knives and lay in waiting for some girl to pass their way. When asked "why did you commit the murder" they said, we went to a cinema and we saw that some Red Indians murdered

a woman like this and therefore we thought it would be a great thing for us to do likewise. I am just telling you the dangers of putting certain ideas into untrained minds of young people. A teacher may with all good intentions lecture to students about sex matters which the boys did not know at all. Merely to test whether the teacher is telling the truth or not they might go and practice what is preached against. Therefore you will in a way be teaching immorality rather than morality in the school. I think this matter has been debated very widely in countries more educated than our own and there has been strong opinion on either side. But I think the general concensus of opinion is on the side of caution, that these sex matters should not be discussed in the presence of the young. Some of us may have had the chance to read some books or literature on the subject particularly sex matters. They can realise the effect which can be produced on the mind of the youth by the reading of such literature or by the giving of lectures on this subject. It is a very dangerous and delicate matter and I hope that the honourable member will agree with me that it is advisable for Government to proceed cautiously in this direction as has been also pointed out by my honourable friend from Hoshiarpur.

The third suggestion that the honourable member made was that the calling of students to private houses should be stopped as also the detaining of students after school hours. I think that is a very sensible suggestion and I am sure the Director of Public Instruction will consult the divisional inspectors and try to give such effect to it as is possible. I think that a great deal of mischief could be stopped if the boys are not allowed to go to private houses of teachers. I can say definitely that at least two cases have come to my notice where allegations were made against school teachers of immorality committed at their own houses where under one pretext or another the boys were asked to come. I can assure the honourable member that in those two cases the teachers were very severely dealt with. The policy, as far as the teachers are concerned, is that even if there is no legal proof of guilt against a particular teacher, if the department and the officers are morally satisfied that there is overwhelming evidence to show that the man is guilty, even then we try to get rid of that man and in that spirit we have dealt with several cases. But on the other hand I would like to draw his attention to a particular case which came to my notice only recently where one teacher in order to put another teacher into trouble, made false allegations of immorality against his colleague. We issued instructions to district and divisional officers that cases of immorality on the part of teachers should be dealt with severely and this teacher coming to know of these instructions and taking advantage of them tried to put one of his colleagues into trouble. He therefore made false allegations of immorality against another teacher and after investigation it was found and proved clearly that these allegations were false. We immediately dismissed that teacher who had made the false allegations, in order to keep up the feeling of confidence in the minds of Government and district board servants. Government are ready to punish the real culprits but they are also equally ready to protect them against wrong and mischievous attacks. Therefore when laying down any laws and rules on the subject we have not only to have all the possibly guilty ones in our mind and the possibility of their getting off free but we have also to think of the innocent ones being involved by their enemies under one pretext or another. The fourth point suggested

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by him was that we ought to reduce the delay which takes place in lodging criminal proceedings. There I agree with him and the department will see that in all these cases where there is any proof which can be placed before a court no time is lost in bringing the guilty one to account. Similarly regarding his fifth point I agree with him in spirit that the department should do all that is in its power to prevent the hushing up of true cases. Of course he must realize that in many cases it is the parents themselves who are unwilling to come forward to give evidence against the guilty teachers because it certainly involves a certain amount of shame and disgrace as far as the boy and the family are concerned. In spite of this difficulty and the handicap, the department does its best to bring to book the guilty ones and I know in several cases, the parents and guardians of children have been patriotic enough to come forward and give evidence against the guilty teachers who have been very severely dealt with. His sixth point suggested that the department ought to suspend the teacher before an enquiry is started against him. I think that will be rather rash, because often, as I have suggested, wrong allegations are made and if you suspend an officer on wrong allegations, then even if you re-instate him, you have done a great deal of harm. The principle underlying suspension is that there ought to be a reasonable suspicion of the man having committed the offence, but suspension should not take place on allegations and I hope the honourable member will agree with me in that. Seventhly, he suggested that inspectors should record in log books the fact that in their opinion such and such a teacher is immoral. I think that this will be rather unwise, because a large number of accusations are often made that certain inspectors are on bad terms with certain teachers and *vice versa*. To note such a matter in an open book will be tantamount to defamation and will be very detrimental to discipline in schools. But I agree with him that if there are any impressions carried away by divisional inspectors and district inspectors about the staff, they should be certainly brought to the notice of higher authorities, so that next time if similar allegations are made against him we should know that such allegations were also made against him a little earlier. Next he suggested that we ought to seek the help of the police quickly. Of course this is always done. I will quote to him a case from Lahore where a complaint was made that *goondas* were molesting school children. We immediately took the help of the police who posted plain clothes men at the spot and the mischief was stopped. Smoking Act certainly ought to be enforced. I agree with him that no child ought to be allowed to smoke if he is under 16 years. The last and the thirteenth point, it is rather an unlucky number, suggested that the drawing and drill masters were particularly immoral. I really do not know what reason he had for picking out these two classes in particular. The drawing master is a poor man who sits all the day in his chair and is little inclined to an offence like that. I do not think that immorality of a teacher depends on the subject he teaches in a school.

Sardar Sahib Sardar Gurbachan Singh: I have taken this from the reports of inspectors.

The Honourable Malik Sir Firoz Khan Noon: Inspectors sometime make mistaken estimates. They might have generalised from one

instance. It will be unsafe to condemn the whole lot of teachers. There are black sheep here and there I agree, but each case ought to be dealt with on its own merits. I think the main thing to do if we want to raise the moral tone of our citizens is to educate our women-folk. The more money we spend on the education of girls, the quicker will rise the moral tone of our country. I am glad to say that in recent years there has been a certain amount of progress in girls education. Wherever I have gone in the province and have visited some of the girls schools, I have always been told that the moment a girls school is opened in any of the towns, within a week it is full to the brim and I must say that wherever I have seen girls schools, I have always found them cramped. I will just give you one or two figures to show that the province is progressing. In 1931 in the 8th class, there were 1,257 girls in the province. In 1935 there are 2,285 girls in the same class. In the 10th class there were 305 in 1931 and now they are 469. On the college side, in 1931 there were 150 girls in F.A., and F.Sc., now there are 314. In B. A. and B. Sc., there were 65 girls 5 years ago and now there are 139 girls, so that the total on the collegiate side has risen from 212 to 470. On the whole the province is pushing forward in girls education. I must confess that we are hampered by lack of funds. There is not enough money to open new schools. But I am glad to say that the Finance Department have agreed to a scheme which we have evolved by which there will be a high school in each district and we are also planning to have several more vernacular middle schools in rural areas. In order to be able to have women teachers for our rural schools, the department is now working out a scheme by which they will save a certain amount of money on the boys side which will be spent on the extension of the girls education. As I have said, the general condition of boys is no worse here than elsewhere and there is no cause for alarm. Bad boys and bad teachers exist everywhere and in all countries, they exist even in England one of the most highly educated countries, but I agree that the department should do its utmost to stop this evil and there I am entirely at one with the mover of the resolution. As far as the spirit of the resolution is concerned I agree with the honourable mover and we should try to carry out all the suggestions made, but I do not think there is need for a fresh committee of enquiry, because such a committee is not needed. We have already a standing committee on Education of this House which is a very strong body and I am willing to place this matter before them for their advice. In case they wish to make any suggestion, they will surely be considered. and I hope it will not be necessary to press for a fresh committee.

Sardar Sahib Sardar Gurbachan Singh : In view of the statement made by the Honourable Minister I withdraw my resolution.

The motion was by leave withdrawn.

ELECTION OF HONORARY MAGISTRATES FOR LOCAL BODIES.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*) : I beg to move—

That this Council recommends to the Government that the electoral rules of local bodies be so changed as to make honorary magistrate ineligible to stand as a candidate for the membership of any municipal committee, district board, small town committee, or the panchayat from any constituency within his magisterial jurisdiction.

[Sh. Lekhwati Jain.]

This resolution which I have moved has been moved in consideration of the view point of the public at large. It is not I alone who am of opinion that no honorary magistrate should be allowed to seek election to the bodies enumerated in the resolution but generally the public is also agreed upon it. I hope that those honourable members who are also honorary magistrates will agree with the principle underlying it and support it. When the voters find that a certain candidate is also an honorary magistrate they are indirectly coerced to vote for him. Their considerations are that he being an honorary magistrate can do a good deal of harm to them and can decide cases against them if ever they happened to be involved in litigation. This influence which their position gives them takes away from the voters their freedom of choice and they become bound to vote for him.

Again, we find that the magistrates who are the paid servants of the Government are not allowed to seek election to any local body and the principle underlying this prohibition is that these magistrates can misuse the influence which their position gives them. Exactly in the same manner the honorary magistrates have got influence on account of their position and it is evident that they can also misuse it. As such there is no reason why they also should not be disallowed to become members of local bodies. I may also make it clear that I am not in favour of total prohibition of honorary magistrates becoming members of various bodies. What I want is simply this that they should not be allowed to stand from a constituency which is under their magisterial jurisdiction. They may be allowed to contest a seat from some such constituency which is not included in the area under their jurisdiction. I am also not saying that the Government should discard the practice of nominating them to various local bodies. I simply desire that they should not be allowed to stand from a constituency in which they are working as honorary magistrates. Another objection against the honorary magistrates becoming members of local bodies is that in the local bodies by their influence they get their friends nominated. If the Government makes it a practice to nominate honorary magistrates to local bodies and not to allow them to seek elections for their membership it would stop their chances of getting their friends nominated to those local bodies. Once an honorary magistrate becomes a member of a local body then his seat becomes his monopoly and he at every election succeeds in securing it. In this way honorary magistrates continue to remain members for as long terms as 15 or 20 years. Their magisterial powers terrify people from contesting seats against them.

At this stage the Council adjourned till 2 p. m. on Monday, 4th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 4th November, 1935.

The Council met at the Council Chamber, at 2 P. M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

Mr. A. D. Grindal (Deputy Secretary, Finance) was sworn in.

STARRED QUESTIONS AND ANSWERS.

PHYSICAL TRAINING AND SPORTS IN GOVERNMENT GIRLS HIGH SCHOOL, HISSAR.

*4847. **Lala Jyoti Prasad** : Will the Honourable Minister for Education kindly state in detail the arrangements existing at present for physical training and sports for the students of the Government Girls' High School, Hissar ?

The Honourable Malik Sir Firoz Khan Noon : There is ample playing space attached to the school and one period daily is given to organised games and physical exercise under the supervision of the school staff.

Lala Jyoti Prasad : May I ask whether the Honourable Minister considers the space is sufficient ? We find that the arrangement for physical training is not at all satisfactory.

The Honourable Malik Sir Firoz Khan Noon : I am afraid I have not seen the place myself. I am sure the Director of Public Instruction who is here will look into it.

GOVERNMENT COLLEGES.

*4848. **Lala Jyoti Prasad** : Will the Honourable Minister for Education kindly give the following information regarding the Government Colleges in the province :—

- (a) (i) their number in each division with their names and the names of the towns and districts in which these are situated ;
- (ii) when these colleges were started ;
- (iii) the standard, whether intermediate or degree, of these colleges, and in case of the degree colleges the dates on which these were raised to that standard ;
- (b) in case the district of Hissar does not possess any college, the reasons for the same ;
- (c) whether there is any proposal before Government for opening a college at Hissar in the near future ?

The Honourable Malik Sir Firoz Khan Noon : (a) A statement giving the required information is laid on the table.

(b) The opening of an intermediate college at Hissar was considered in 1929-30 but owing to paucity of funds the proposal was not accepted by Government. In this connection the honourable member is also referred to my reply to part (d) of question No. *2493¹ asked by him in 1933.

(c) No.

[Hon. Malik Sir Firoz Khan Noon.]

Statement.

Name of Division.	GOVERNMENT DEGREE COLLEGES.			GOVERNMENT INTERMEDIATE COLLEGES.	
	Name.	Date of opening.	Date of raising to degree standard.	Name.	Date of opening.
Lahore ..	1. Government College, Lahore	1st January, 1864	1st January, 1864	1. Government Intermediate College, Pasrur, District Sialkot.	1st May, 1928.
	2. Lahore College for Women, Lahore.	1st May, 1922 ..	1st October, 1925	2. Stratford Government Intermediate College for Women, Amritsar.	November 1932
Rawalpindi ..	1. DeMontmorency College, Shahpur Sadr.	1st May, 1929 ..	1st June, 1932 ..	1. Government Intermediate College, Gujrat.	1st May, 1924.
Multan ..	1. Emerson College, Multan ..	1st May, 1920 ..	1st October, 1933	2. Government Intermediate College, Campbellpur.	1st May, 1924.
	2. Government College, Lyallpur.	1st May, 1924 ..	1st October, 1933	1. Government Intermediate College, Jhang.	1st May, 1926.
Jullundur ..	1. Ludhiana Government College, Ludhiana.	1st May, 1920 ..	1st June, 1932 ..	2. Government Intermediate College for Women, Lyallpur.	July, 1934.
				1. Government Intermediate College, Hoshiarpur.	1st May, 1927.
Ambala ..				2. Government Intermediate College, Dharmsala.	1st May, 1926.
				1. Government Intermediate College, Rohtak.	1st May, 1927.

HARLAL OF VILLAGE ROHNATH.

***4849. Lala Jyoti Prasad :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that a few months back one Harlal of village Rohnath in Hansi tahsil of the Hissar district was beaten by the police in the courtyard of thana Hansi ;
- (b) whether it is a fact that this Harlal was kept in the thana till he died of injuries ;
- (c) whether it is a fact that the said Harlal was neither an under-trial prisoner nor a complainant in any case ;
- (d) whether it is a fact that the police took him by force to police station in a lorry and beat him there as he could not find Rs. sixty demanded of him by the police as bribe ;
- (e) the action, if any, which has been taken by the authorities concerned in the matter against such highhandedness of police officials ?

The Honourable Mr. D. J. Boyd : (a) and (d) Allegations to this effect were made in a petition presented to the Deputy Commissioner, Hissar, on the 16th May last.

(b) Harlal died on the 19th May. It is understood that he was not in the police station at the time of his death.

(c) Yes.

(e) One head constable and two constables have been sent for judicial trial. One of the constables has been charged by the magistrate under sections 304, 327 and 342, Indian Penal Code, the other constable and the head constable under sections 342 and 327/109, Indian Penal Code. Departmental proceedings have also been taken in regard to certain members of the staff of the police station, but as judicial proceedings are pending details cannot be given at present.

EXTORTION IN CROWN *versus* TAJU AND MURAD ALI.

***4850. Lala Jyoti Prasad :** Will the Honourable Member for Finance kindly state—

- (a) whether it is a fact that during the pendency of case Crown *vs.* Taju and Murad Ali, decided on 31st July, 1935, by a section 30 Magistrate, Hissar, the accused after the charges were framed stated before the Court that the Narnaund police in the Hansi tahsil had extorted bribes from them promising their release ;
- (b) whether it is a fact that the investigation of the case was finished in November 1934 and the *chalan* was put in court as late as May 1935 ;
- (c) whether it is a fact that the accused were bailed out by the police ;
- (d) whether it is a fact that the magistrate has made a note of all these facts in his judgment ;
- (e) whether the authorities concerned have made any inquiry into the matter about extortion ;
- (f) if the answer to (e) be in the affirmative, with what result ; if not, why not ?

The Honourable Mr. D. J. Boyd : (a) The following passage appears in the magistrate's judgment : " It may be noted that when charges were framed against the accused they blurted forth that Narnaund police had extorted bribe from them promising them release."

(b) The case was *chalaned* in May 1935. Government are not sure of the date when the investigation was completed.

(c) Yes.

(d) Yes.

(e) and (f) The matter is under consideration by the district authorities.

CATTLE FARM, HISSAR.

***4851. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

(a) whether the report of the Enquiry Committee in connection with the Government Cattle Farm, Hissar, appointed some three or four years ago has received consideration of the Government yet ;

(b) if so, with what result ;

(c) the date on which the report of the Enquiry Committee was published and the time it has taken in receiving the consideration of the Government ;

(d) whether the report has ever been placed in the hands of the members of this Council ;

(e) whether at the time of the discussion of the annual Budget in March last a token cut was moved by Rao Bahadur Chaudhri Chhotu Ram for discussing as to why no action was taken on the report up till now ;

(f) whether Government intends to take any action on the report or not ?

The Honourable Sardar Sir Jogendra Singh : (a)—(f) A copy of the report and of the Government review showing action taken and to be taken thereon has been printed for every honourable member.

CATTLE FARM, HISSAR.

***4852. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

(a) the expenditure of the Government Cattle Farm, Hissar—

(i) on salaries of officers, staff and other establishment ;

(ii) on live stock including the breeding of bulls ;

(iii) on cultivation side ;

(iv) other miscellaneous expenses,

for the years 1931, 1932, 1933 and 1934 ;

(b) the reduction, if any, so far made in expenditure under the heads and during the years given in (a) ;

(e) the income derived by the Farm from the sale of breeding bulls and other live stock in the years mentioned in (a);

(d) whether the Farm is being run at a loss or profit; if at profit, since when?

The Honourable Sardar Sir Jogendra Singh : (a) (i)—

(a) (i).	PAY AND ALLOWANCES OF								
	OFFICERS.				Establishment.				
	Class I.		Class II.						
	Rs.	A.	P.	Rs.	A.	P.			
1931-32	27,498	13	0	6,839	12	0	1,01,501	5	0
1932-33	23,008	13	0	6,851	8	0	90,243	10	0
1933-34	42,633	7	8	7,768	5	0	89,084	1	0
1934-35	38,729	7	9	7,066	4	0	91,373	10	0

	Rs.	A.	P.
(ii) 1931-32	1,44,052	8	7
1932-33	1,62,068	5	10
1933-34	1,84,252	13	8
1934-35	1,68,290	11	2
(iii) 1931-32	1,47,565	0	9
1932-33	1,45,612	2	7
1933-34	1,42,897	3	6
1934-35	1,31,184	6	3
(iv) 1931-32	73,499	0	9
1932-33	55,557	7	8
1933-34	57,232	15	11
1934-35	39,528	0	2

Items (ii), (iii) and (iv) include pay of the Provincial Veterinary Service Class II officers, establishment, daily labour and expenditure in kind, as the accounts are kept in that form.

(b) The reduction in expenditure is shown in the figures given in reply to part (a).

(c)—

	1931-32.		1932-33.		1933-34.		1934-35.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
Income by cash ..	1,05,112	11 0	88,251	2 0	71,237	5 0	68,445	1 0
Book credit for con- cessions to local 'bodies.	1,19,925	0 0	1,65,095	4 0	1,81,175	0 0	2,46,799	8 0
Total ..	2,25,037	11 0	2,53,346	6 0	2,52,412	5 0	3,15,244	9 0

[Hon. Sardar Sir Jogendra Singh.]

(d) Allowing for book credits the audited accounts shew that the Farm has been run at a profit for the years 1933-34, 1934-35, the two financial years previous to these showed a loss. The honourable member is also referred to the reply given to question No. *1006¹ asked by him on the 8rd December, 1931.

INDIAN CIVIL SERVICE CANDIDATES.

*4853. **Lala Jyoti Prasad** : With reference to the answer to question No. *9261² asked on 26th June, 1934, will the Honourable Member for Finance kindly state as to why the number of Hindus is so small and what are the reasons for the same?

Mr. F. H. Puckle (Chief Secretary) : Nominations to the Indian Civil Service are made solely with the object of redressing communal inequalities. The vacancies open to competition are usually secured by Hindu candidates, and it follows that in order to keep communal proportions correct nominations must generally be made from among those Muslims and Sikhs who are otherwise eligible under the Indian Civil Service (Nomination) Rules. This is the reason that the number of Hindus nominated to the Indian Civil Service in the Punjab is so small.

LEVEL CROSSING NEAR HISSAR RAILWAY STATION.

*4854. **Lala Jyoti Prasad** : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that there is a level crossing just near the Hissar railway station where seven lines of all the three railways, i.e., N.-W. R., B. B. and C. I. and B. S. R. pass;
- (b) whether it is a fact that between the hours of 5 A.M. and 10 P.M. fourteen passenger trains besides goods trains pass over the aforesaid lines;
- (c) whether it is a fact that shunting of engines of all the three Railways also takes a good deal of time daily while the level crossing gates are closed, thereby restricting all traffic of the town;
- (d) whether it is a fact that vehicles and foot passengers generally have to wait long before they are allowed to cross the lines to go to the other side;
- (e) whether it is a fact that on one side of the crossing is the town proper and on the other side are situated all the civil and criminal courts, police lines and the residences and offices of all the officers of all the departments of the district;
- (f) whether it is a fact that roads leading to a large number of villages and fields are also on the other side of the crossing;
- (g) whether it is a fact that there is great inconvenience felt by the public as well as the officers without a bridge over that crossing;
- (h) what steps, if any, Government proposes to take in the matter?

¹Volume XX, page 400.

²Volume XXV, page 22.

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

HISSAR JAIL.

*4855. **Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) the area of—
 - (i) land occupied by the Hissar Jail proper ;
 - (ii) its two gardens ;
 - (iii) other pieces of land attached to the Jail ;
- (b) the lowest and highest number of convicts, under-trials and civil prisoners in the Hissar Jail in the years 1932, 1933 and 1934 ;
- (c) whether it is a fact that this Jail is a very old one and is too small for its needs ;
- (d) whether it is also a fact that owing to its increasing population the Hissar town needs extension and this extension can only be towards the Jail side ;
- (e) whether there was ever a proposal before the Government of shifting this Jail to a place far off from the *abadi* ;
- (f) if so, what has been the result ;
- (g) if the answer to (e) be in the negative, whether Government proposes to consider the question taking in view the above-mentioned facts ?

The Honourable Mr. D. J. Boyd : (a) (i) 11·65 acres.

(ii) 9·68 acres.

(iii) 4·92 acres.

(b)—

	HIGHEST NUMBERS.			LOWEST NUMBERS.		
	Convicted Criminal prisoners.	Under-trials.	Civil prisoners.	Convicted Criminal prisoners.	Under-trials.	Civil prisoners.
1932	267	234	17	198	166	16
1933	303	200	16	255	93	12
1934	228	112	28	204	59	13

(c) Yes.

(d) Yes.

(e) No.

(f) Does not arise.

(g) Government will examine the proposal which underlies the question, but the honourable member will appreciate the vital importance of financial considerations in connection with it.

POLICE CONSTABLES.

*4856. **Lala Jyoti Prasad** : Will the Honourable Finance Member be pleased to state—

- (a) the number of persons recruited as constables of police community-wise, in each of the districts of Gurgaon, Karnal, Rohtak and Hissar during the years 1932, 1933, 1934 and 1935 ;
- (b) the number of those who belong to their home districts in each year ?

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

Statement.

District.	Year.	Muslims.	Hindus.	Sikhs.
Gurgaon	1932	8 (7)	12 (7)	..
Do.	1933 .. ..	..	9 (7)	..
Do.	1934	8 (6)	30 (24)	..
Do.	1935 upto 30th September, 1935.	12 (2)	15 (9)	19
Karnal	1932	13 (9)	9 (7)	..
Do.	1933	7 (2)	16 (4)	5 (2)
Do.	1934	23 (1)	4 (2)	1
Do.	1935	15 (2)	2	8
Rohtak	1932	5 (2)	3 (2)	..
Do.	1933	7 (2)	15 (12)	2
Do.	1934	19 (3)	16 (14)	9
Do.	1935 up to 30th September 1935.	6 (1)	8 (7)	10
Hissar	1932	22 (2)	3 (1)	5 (2)
Do.	1933	20 (13)	25 (22)	8
Do.	1934	21 (9)	18 (11)	6 (2)
Do.	1935	8 (3)	6 (5)	9 (4)

NOTE.—The figures in brackets indicate how many of the recruits belonged by origin to the district where they have been enlisted.

DISTRICT BOARD ROADS.

*4857. **Lala Jyoti Prasad** : Will the Honourable Minister for Local Self-Government please state—

- (a) the number of mileage of *kucha* and *pucca* roads maintained by each of the district boards of Gurgaon, Karnal, Rohtak and Hissar, respectively ;

¹Includes 10 Constables of the Additional Police, Rohtak, absorbed in the Gurgaon District Police.

- (b) the amount of grants made to each of the aforesaid district boards for the maintenance of the *kucha* and *pucca* roads during the years 1931, 1932, 1933, 1934 and 1935, respectively ?

The Honourable Dr. Sir Gokul Chand Narang : A statement giving the required information is laid on the table—

Statement.

(a) and (b).

Name of District Board.	MILEAGE OF ROAD.		AMOUNT OF MAINTENANCE GRANT, Rs.				
	Unmetalled (Kucha).	Metalled (Pucca).	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.
1. Gurgaon ..	574.5	54.4	16,606	8,772	4,475	5,424	5,224
2. Karnal ..	681.5	39.7½	7,664	6,756	7,961	9,127	9,494
3. Rohtak ..	Class II 172 Class III 408	97.32	41,275	25,268	18,478	23,375	15,964
4. Hissar ..	Class II 434 Class III 456.5	Class II 29 Class III 3	8,997	7,122	3,093	5,049	3,092

HAISYAT TAX.

***4858. Lala Jyoti Prasad :** Will the Honourable Minister for Local Self-Government please state the amount of haisyat tax realised by the District Board, Hissar, during each of the last five years ?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is referred to column 17 of form II attached to the annual District Board reports for the years concerned.

ARREST FOR KEEPING KIRPAN.

***4859. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that the Punjab Government recently issued instructions to arrest Sikhs in possession of more than one kirpan ; if so, the date and purport of all those instructions ;
- (b) whether it is a fact that the Sikhs held a largely attended Darbar at Amritsar for the expression of their resentment against this order of the Punjab Government ;
- (c) whether it is a fact that in defiance of the abovementioned order of the Punjab Government, the Sikhs paraded the streets and bazars of Amritsar wearing more than one kirpan ;

[Pir Akbar Ali.]

- (d) whether it is a fact that the Punjab Government have now been pleased to withdraw their instructions mentioned in part (a) above and to issue counter instructions of not arresting a Sikh possessing more than one kirpan ; if so,
- (i) the date and purport of all these latter instructions ;
- (ii) the reasons for the two different occasions ?

The Honourable Mr. D. J. Boyd : (a) No. Government issued no orders.

(b) A Diwan attended by several thousand people was held in Guru-ka-Bagh in Amritsar on the 23rd August to protest against the arrest of certain Sikhs for carrying more than one *kirpan*.

(c) A procession of Sikhs, many of them carrying more than one *kirpan*, was taken out in Amritsar on the 25th August.

(d) Does not arise.

Sardar Sahib Sardar Ujjal Singh : May I ask whether it is a fact that the *kirpans* possessed and worn by the Sikhs are exempt from the operation of the Arms Act ?

The Honourable Nawab Muzaffar Khan : Yes, it is so.

INJURIES CAUSED BY KIRPANS.

*4860. **Pir Akbar Ali :** Will the Honourable Revenue Member kindly state—

- (a) the number of all cases of injuries caused by Sikhs with their *kirpans* during the last two years and the action taken with the results ;
- (b) whether he is aware of the earnest desire of Muslims for the free possession of swords
- (i) in response to the dictates of religion ;
- (ii) as a weapon of defence ?

The Honourable Nawab Muzaffar Khan : (a) Altogether 184 cases were reported to the police during 1933 and 1934 in which *kirpans* were said to have been used. A total of 679 persons were sent for trial in connection with these cases, out of whom 250 were convicted.

(b) Since notice of this question was given orders have been published by the Government of India removing the restrictions on the possession and carriage of swords in the six districts of the Punjab where alone such restrictions were still in force.

Sardar Sahib Sardar Ujjal Singh : Will the Honourable Member for Revenue also state the number of cases in which the injury has been caused by hatchets and other weapons ?

The Honourable Nawab Muzaffar Khan : I am afraid I should ask for notice, if I am asked to make a statement regarding the general state of crime in the province.

DEPORTATION OF MUSLIM LEADERS.

*4861. Pir Akbar Ali : Will the Honourable Finance Member kindly state—

(a) the offence committed by—

- | | | |
|--------------------------|--|---------------------------|
| (1) Maulana Zaffar Ali ; | \| | (3) M. Feroz-ud-din ; and |
| (2) Sayed Habib ; | \| | (4) Malik Lal Khan ; |

on account of which they were deported ;

(b) whether those persons were granted any allowance by way of maintenance or compensation for financial loss suffered by them as a consequence of the deportation ?

The Honourable Mr. D. J. Boyd : (a) The honourable member is referred to Punjab Government Press *communiqué* dated the 15th July, 1935, a copy of which is laid on the table.

(b) These persons have been granted subsistence allowances with effect from the dates of their internment as follows :—

<i>Name.</i>	<i>Amount.</i>	<i>Date.</i>
	Rs.	
(1) Zafar Ali Khan ..	120 a month ..	15th July, 1935.
(2) Sayed Habib ..	120 a month ..	Ditto.
(3) M. Feroz-ud-Din, Ahmed. ..	75 a month ..	Ditto.
(4) Malik Lal Khan ..	75 a month ..	Ditto.

PRESS COMMUNIQUE.

A MUSLIM meeting was held yesterday at Lahore attended by about 12,000 persons at which plans were announced for carrying on agitation with regard to the demolition of the Shahidganj Mosque. Some of the speeches were very intemperate and contained deliberate repetition of false statements, which the speakers knew to be false, regarding the action of the Government. In consequence of this meeting and of the other activities of a group of persons, who are deliberately trying to create mischief, the Punjab Government has interned from Lahore and confined to certain places the following persons :—

- | | | |
|--------------------------|--|----------------------------|
| (1) Maulana Zafar Ali. | \| | (3) M. Feroz-ud-Din Ahmad. |
| (2) Syed Muhammad Habib. | \| | (4) Malik Lal Khan. |

Pir Akbar Ali : I do not propose to put questions 4862 and 4863.

The Honourable Mr. D. J. Boyd : I was taken slightly by surprise by the honourable member's failing to put the question. But I would like to answer them, with your permission, and I will answer the two questions together.

SIKH JATHAS TO SHAHID GANJ.

*4862. Pir Akbar Ali : Will the Honourable Finance Member kindly state—

(a) whether it is not a fact that the Sikh *jathas* to the tune of five thousand strong armed with swords were allowed to proceed to Shahid Ganj unchecked during the recent disturbance at Lahore ;

(b) whether Government considered the advisability of stopping the inrush of Sikh *jathas* into Shahid Ganj at the earliest opportunity, if not, why not ?

*4863. **Pir Akbar Ali** : Will the Honourable Finance Member kindly state—

- (a) whether Government was in possession of any information about the likelihood of any dispute between Sikhs and Muslims about the Shahid Ganj affair before the inrush of Sikh *jathas* to Lahore ;
- (b) if so, (i) whether the Government took any steps to prevent the situation from becoming serious and (ii) the reasons for not preventing the Sikh *jathas* from coming to Lahore ?

The Honourable Mr. D. J. Boyd : (a) and (b) The ingress of Sikhs into Lahore was a direct result of Muslim demonstrations outside the Shahid Ganj Gurdwara. There was no inrush of Sikh *jathas* as suggested by the honourable member ; but there was infiltration of Sikhs into Lahore by small groups and individuals. This started immediately after the 29th of June, when the first demonstration by Muslims took place. The number of outside Sikhs in Lahore gradually increased from about 50 on that date, to about 900 on the 4th of July, when, according to the estimates of the local officers, the maximum was reached. On the 9th of July, a rough census was taken of all Sikhs in *gurdwaras* in Lahore, and it was found to be 800, which, of course, included some local Sikhs. Up to the 4th of July, the number of outside Sikhs increased as Muslim demonstrations increased in size and violence. Government were kept informed of developments in connection with the affair, including the ingress of Sikhs into Lahore.

The honourable member will not expect me, in reply to a question, to give a complete statement of the action taken by the local authorities and Government in connection with the dispute. I may, however, say briefly that the action taken included the following :—

- (i) Police and military precautions against communal rioting.
- (ii) Efforts by the local officers and by Government to arrange a compromise between the Muslims and Sikhs.
- (iii) Preventive measures against disorderly demonstrations. For further information I would refer the honourable member to the various *communiqués* issued by Government.

As regards the ingress of Sikhs into Lahore, the local Sikh leaders were advised, both by the local officers and, later, by Government, to stop Sikhs coming in. The local Sikh leaders took some action accordingly ; but the position was made more difficult by continued Muslim demonstrations, and by exaggerated accounts of those demonstrations in the Muslim press. For instance, the *Zamindar* newspaper of the 7th July, published in large headlines that on the 5th of July, one lakh of Muslims had demonstrated outside the Shahid Ganj Gurdwara. As regards other methods, it is clear that it was not practicable to stop the gradual infiltration of Sikhs into Lahore by small groups and individuals, even had it been considered advisable to make the attempt. The attempt would have involved a ban on the entry of all Sikhs into *gurdwaras* in Lahore, and not merely the Shahid Ganj Gurdwara. Had it been made, the immediate results would have been, first, to precipitate an inrush of Sikhs into Lahore, such as the honourable

member has in mind, and, second, to make impossible any compromise between the two communities. In this connection, I may remind the honourable member that, as soon as the legal position became known to Government, they took the view—which they have had no reason to change—that the only satisfactory solution of the matter was by an understanding between the two communities.

Sardar Sahib Sardar Ujjal Singh : Was any disturbance or breach of the peace caused by any Sikh *jatha* ?

The Honourable Mr. D. J. Boyd : I am aware of none, Sir.

FIRING AT SHAHID GANJ.

*4864. **Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) the number of persons arrested by the Punjab authorities at the time of the Ahrar agitation against the Kashmir State ;
- (b) the number of Muslims who assembled outside the Delhi, Akbari, and Yaki gates on the 20th July, 1985 ;
- (c) whether any of those mentioned in (b) were armed in any way ;
- (d) whether any attempt was made to arrest them ;
- (e) if so, whether anybody offered resistance ;
- (f) if not, why recourse was not had to arrest instead of shooting ?

The Honourable Mr. D. J. Boyd : (a) During the four months from 1st October, 1981 to 1st February 1982, 7,105 persons were arrested.

(b) The Deputy Commissioner, Lahore, estimates that at the time it was declared to be an unlawful assembly, the crowd outside the Delhi Gate numbered about 5,000 and that by the time it was dispersed it numbered from eight to ten thousand. This does not include the large portion of the crowd which was inside the Delhi Gate.

(c) Yes. Some members of the crowd were armed with lathis. The crowd generally was violent.

(d) No.

(e) Does not arise.

(f) The law does not require that attempts should be made to arrest members of an unlawful assembly, before it is dispersed by force. The methods adopted in any particular case depend on circumstances. On the evening of the 19th of July, attempts were made to deal with an unlawful assembly at the Water Works by means of arrests. These proved ineffective and placed the police, for some hours, in a position of considerable danger. The crowd outside the Delhi Gate, on the morning of the 20th, was very violent, and it would have been physically impossible to carry out arrests without great danger to the police. Such attempts would have been ineffective in dispersing the crowd. Before the military authorities were asked to disperse the crowd, repeated attempts were made to disperse it by means of charges by foot and mounted police. Before the military authorities gave the order to fire, attempts were also made to disperse the crowd by cavalry. These attempts were met by violence from members of

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the crowd and proved unsuccessful; and, ultimately, the crowd had to be dispersed by resort to fire. The honourable member will, no doubt, agree that, in face of these conditions, any attempt to make arrests would have been completely ineffective.

BEATING OF BLUE SHIRTS BY AHRARS.

*4865. **Pir Akbar Ali** : Will the Honourable Finance Member kindly state—

- (a) whether the article described as "pandemonium at Muslim meeting," published at page 8 of *Civil and Military Gazette* in its issue of Sunday, August 11th, has been brought to the notice of the Government;
- (b) if so, whether it is a fact that some of the Blue Shirts were beaten by the Ahrars in the meeting mentioned in the article referred to in (a);
- (c) if the answer to the above be in the affirmative, whether the police and magistrates present in the meeting took any steps to prevent the Ahrars from beating the Blue Shirts; if so, with what effect; if not, what was the object of the presence of the police and the magistrates in the meeting?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

PUBLICATION OF ARTICLES AGAINST AHRARS.

*4866. **Pir Akbar Ali** : Will the Honourable Finance Member kindly state—

- (a) whether he is aware of a statement published in the *Zamindar* in its issue of the 15th August, 1935, purporting to have been signed by some Muslims of Jullundur protesting against the warning given by Mr. S. Partap, Deputy Commissioner, Lahore, to the *Inqilab* for writing against the Aharars; if the answer be in the affirmative, whether the action of the District Magistrate was taken with the approval of Government;
- (b) whether it is a fact that the District Magistrate of Lahore gave a similar warning to the Hindu Art Press, Lahore, against publishing anything against the Ahrars?

The Honourable Mr. D. J. Boyd : (a) The statement referred to by the honourable member has been seen by Government. A warning was administered to the keeper of the Muslim Printing Press, Lahore and not to the *Inqilab*, by the District Magistrate of Lahore under the orders of Government for printing a poster containing matter which was likely to lead to a disturbance of the public tranquility.

(b) For similar reasons a warning was given to the keeper of the Hindu Art Press, Lahore.

*4867. *Cancelled.*

SIKH JATHAS TO SHAHID GANJ.

***4868. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that on the occasion of the last Aharar Conference near Qadian in October, 1934, members of the Ahmadiyya community wanted to go to Qadian with a view to protect their sacred places at Qadian but were stopped by the Government from going to Qadian ;
- (b) if answer to (a) be in the affirmative why the Sikh *jathas*, who went to Lahore, before the demolition of the Shahid Ganj Mosque, with similar purpose were not stopped by the Government ?

The Honourable Mr. D. J. Boyd : (a) It is a fact that on the 17th of October, 1934, the head of the Ahmadiyya community at Qadian was required by an order under section 3 of the Punjab Criminal Law (Amendment) Act, 1932, to abstain from summoning any person or persons to Qadian on the occasion of the conference convened by the Shoba Tabligh of the Majlis-i-Ahrar-i-Islam.

(b) The two cases are not parallel, and the honourable member is referred to the answers given to his questions Nos. *4862¹ and *4863¹.

SCARCITY OF DRINKING WATER AT SAKHI SARWAR.

***4869. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that there is a great scarcity of drinking water at Sakhi Sarwar in the district of Dera Ghazi Khan ;
- (b) whether he is aware that at one time a scheme was sanctioned by Government to improve the drinking water supply of this town, if so, why the scheme was abandoned ;
- (c) whether it is a fact—
- (i) that the town of Sakhi Sarwar is inhabited by nearly 6,000 people ;
- (ii) that it is a place of a great pilgrimage on account of its being the location of the tomb of the great saint Sakhi Sarwar ;
- (d) if so, what steps Government now proposes to take to improve the drinking water supply of Sakhi Sarwar ?

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

(b) No scheme of water supply was ever sanctioned by Government, but a trial boring was done to determine if an adequate water supply could be made available at a reasonable cost. The result of the trial boring was encouraging.

(c) Yes.

(d) A scheme to improve the drinking water supply at Sakhi Sarwar is at present under the consideration of Government.

FOREST OFFICERS.

***4870. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Revenue Member please state—

- (a) the number of forest officers who have put in more than 30 years' service but have not been retired ;
- (b) the number of forest officers considered as surplus for the immediate requirements of the Forest Department, who have consequently been sent to other departments ;
- (c) whether it is not intended to retire the forest officers having a service of 30 years or more, in order to reduce the surplusage of the forest officers ;
- (d) whether he is aware that in the United Provinces, plantations on several canals are being managed by the United Provinces Forest Department on behalf of the Canal Department ; if so, whether this procedure is intended to be adopted in the Punjab ;
- (e) whether the postings of surplus officers to other departments have been effected on the ground of exigencies of service or inefficiency ;
- (f) the number of the forest divisions being run by the I. F. S. and the P.F.S. officers, respectively ; the ratio fixed for the two services to hold charge of the divisions ; whether the ratio, if any, is being adhered to or not ; if not, the reasons for the same ;
- (g) whether it is a fact that some junior P. F. S. officers have been holding charge of divisions for the last several years, while the claims of their senior and efficient officers have been ignored ; if so, the reasons for this preferential treatment ?

The Honourable Nawab Muzaffar Khan : (a) One Indian Forest Service officer, and one Provincial Forest Service officer.

(b) Seven Indian Forest Service Officers and 3 Provincial Forest Service officers are surplus. Against these 7 officers have been sent out to other departments.

(c) No.

(d) Government has no information with regard to Canal plantation management in the United Provinces. The procedure described is not contemplated in the Punjab at present.

(e) Exigencies of service.

(f) Of 16 divisions in the Punjab and 3 in the North-West Frontier Province 9 are held by Indian Forest Service Officers, 1 by a Forest Engineer, and 9 by Provincial Forest Service Officers.

There is no fixed proportion of divisions to be held by either service.

(g) Two senior Provincial Service Officers have not been entrusted with the charge of divisions because they are not considered fit for such responsible charges, while the third one has not yet been tried owing to the exigencies of the service.

FISHERIES RESEARCH OFFICER.

***4871. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that the post of the Fisheries Research Officer was sanctioned in 1920 in the grade of Rs. 200—10—400 to carry on research on the breeding of fish for the purpose of stocking rivers and streams ;
- (b) whether it is a fact that the incumbent of this post was given a higher personal grade of Rs. 250—25—750 in the year 1929 ;
- (c) whether any results of practical value have been shown in fisheries research or any rivers have been stocked during the last 14 years ;
- (d) if the reply to (a) and (b) above be in the affirmative, and (c) in the negative, the action he proposes to take in the matter ?

The Honourable Sardar Sir Jogendra Singh : The honourable member is referred to the reply given to question No. *4681¹.

SURVEYS AND PROJECTS.

***4872. Sardar Sahib Sardar Gurbachan Singh :** With reference to the answer to my question No. *3637² giving a list of projects under various stages, will the Honourable Minister for Local Self-Government please state—

- (i) (a) whether Nos. 1 to 5 projects have been completed ;
- (b) the maximum load expected in each case before the projects were taken in hand ;
- (c) the maximum load which is now used by each project ;
- (ii) (a) whether projects Nos. 6, 7 and 8 have passed from design stage to " under construction " stage ;
- (b) if not, reasons for the delay ;
- (c) the maximum load that is expected in each project ;
- (iii) (a) whether the survey of project No. 9 has been completed ;
- (b) if not, which of the villages mentioned in the project have been surveyed and in which the survey is going on and which of the villages are yet to be surveyed ;
- (c) the maximum load that each village is expected to take ;
- (d) whether the Government has decided to complete the electrification of all these villages before taking up any other project from 10 to 15 ;
- (iv) (a) whether any of the projects from 10 to 15 has passed from preliminary investigation stage to survey stage ;
- (b) if so, which of them ;
- (c) if not, reasons for delay ;
- (d) the maximum load that each project is expected to take ;
- (v) the time Government thinks it will take to complete all these projects ?

¹Pages 257-58 ante.

²Volume XXV, pages 452-53.

The Honourable Dr. Sir Gokul Chand Narang : A statement giving the required information is laid on the table—

Statement.

Parts of the Council Question.	Project Nos.	REMARKS.
(i) (a)	1	Completed and in operation except the section dealing with Phagwara.
	2 and 3	Completed and operating.
	4	Project under preparation.
	5	Operation started on October 11th.
(i) (b) and (c)		(b) Connected load originally anticipated in the fifth year of operation (kilowatts).
		(c) Present connected load (kilowatts).
	1	525 173
	2	213 279
	3	332 534
	4	Not ready ..
(ii) (a)	6	No.
	7 and 8	Yes.
(ii) (b)	6	Project is ready but construction has been deferred so that the scheme can be modified and incorporated in the major project now under preparation for duplicating 66 KV. supply to Lyallpur, <i>via</i> Gujranwala, Hafizabad, Sukheke, Sangla Hill and Chak Jhumra.
(ii) (c)	6	Connected load k W. 1,269
	7	261
	8	398
(iii) (a) .. ..	..	Yes.
(iii) (b) .. ..	..	Does not arise.
(iii) (c) .. ..	..	Awaits estimation.
(iii) (d) .. ..	..	Not decided.
(iv) (a) .. ..	..	Yes.
(iv) (b) .. ..	..	Project No. 13.
(iv) (c) .. ..	..	Will have to wait their turn.
(iv) (d) .. ..	..	Figures not yet available.
(v) .. ..	..	No estimate is possible.

ENERGY TAKEN BY THE JULLUNDUR ELECTRIC SUPPLY COMPANY FROM
THE HYDRO-ELECTRIC SCHEME.

***4873. Sardar Sahib Sardar Gurbachan Singh :** Arising out of the answer to my question No. *3635¹ will the Honourable Minister for Local Self-Government please state—

- (a) whether the negotiations that were in progress with the Jullundur Electric Supply Company for taking electric supply from the Mandi Hydro-Electric Scheme have concluded ;
- (b) if so, when ;
- (c) if not, why not ?

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

- (b) Does not arise.
- (c) The company has not yet decided to take supply from the Electricity Branch.

MOTOR CONVEYANCE FOR THE DAY SCHOLARS OF QUEEN MARY COLLEGE, LAHORE.

***4874. Sardar Sahib Sardar Gurbachan Singh :** Will the Honourable Minister for Education please state—

- (a) the number of students studying in the Queen Mary College, Lahore ;
- (b) the number of day scholars in the College ;
- (c) the existing arrangements to fetch day scholars from their places of residence ;
- (d) whether he is aware that other sister institutions are maintaining motor buses or lorries for the conveyance of the day scholars ;
- (e) if the answer to (d) above be in the affirmative, what arrangements if any, for the conveyance of the day scholars of Queen Mary College are under the consideration of the Department ; if none, why not ?

The Honourable Malik Sir Firoz Khan Noon : (a) 173.

- (b) 98.
- (c) Day scholars make their own arrangements.
- (d) Some institutions are maintaining motor lorries.
- (e) No proposal regarding the conveyance arrangements of day scholars of Queen Mary Collegé, Lahore, is under the consideration of the Department. This is a special institution and is intended for the children of well-to-do persons who are expected to make their own conveyance arrangements. If a sufficiently large number of parents apply for the provision of a motor lorry and express their willingness to pay the capital and running costs Government will gladly consider the case.

RETIREMENT OF DEPUTY SUPERINTENDENT OF POLICE, AMBALA.

***4875. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member please state—

- (a) whether he is aware that the Deputy Superintendent of Police, Ambala, has exceeded the age of 55 years by several years, according to his entrance class examination certificate ;
- (b) if the answer to (a) is in the affirmative, why he has not been made to retire from the public service in time ?

The Honourable Mr. D. J. Boyd : (a) The officer's Entrance Examination certificate, of which a copy has been obtained from the Punjab University, does not show his age. (He passed the examination in March 1903). The date of his birth as given in his Character Roll is the 22nd December, 1884.

(b) Does not arise.

***4876. Cancelled.**

APPOINTMENT OF TEACHERS BY DISTRICT INSPECTOR OF SCHOOLS, AMBALA.

***4877. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education please state—

- (a) how many untrained teachers the District Inspector of Schools, Ambala, under the sanction of the District Board, Ambala, has employed in the District Board Schools, Ambala, during the last three years, from 1st June, 1932 to 31st May, 1935, communitywise ;
- (b) how many applications for the posts in (a) were received communitywise ;
- (c) if the answer to (a) shows the number of Muslims to be very small, what are the reasons for it?

The Honourable Malik Sir Firoz Khan Noon : (a)

Muhammadans	22
Sikhs	11
Hindus and others	31

(b) Applications of untrained teachers are not registered. These are kept in a file which is renewed every year.

(c) Does not arise.

42AN.

***4878. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member please state—

- (a) whether he is aware that inside the tahsil building of Jagadhri tahsil, there is a small mosque which has ever since the tahsil building was constructed been used for saying prayers ;
- (b) whether he is aware that Mr. Hira Lal Jain, a sub-judge at Jagadhri, whose court is outside the tahsil building, reported to his superior officers that the calling of *Azan* at 1-30 p. m. interferes with his work in the court ;

- (c) whether he is aware that the tahsildar of Jagadhri, in pursuance of the report has ordered the tahsil Muslim staff not to call the *Azan*.
- (d) under what rules or law the tahsildar has taken the action referred to in (c) ;
- (e) whether he is aware that the *Azan* is called just during the recess at 1-30, and lasts for about a minute and a half ;
- (f) whether it is not a fact that the noise made by litigants of the civil court and the tahsil and the ringing of the bell of the treasury every hour has never been objected to ;
- (g) whether it is not a fact that no other official of the civil court or tahsil has ever objected to the calling of *Azan* ever since the tahsil building was constructed ;
- (h) whether he is aware that the Bar Association of Jagadhri, consisting of Hindus, passed a resolution recently condemning the general attitude of the sub-judge ;
- (i) whether he is aware that recently a Hindu served the sub-judge with a notice to prosecute him for abusing him in the court and that the sub-judge apologised to him ;
- (j) whether he is aware that the incidents mentioned in (c) and (h) above have agitated the Muslims ;
- (k) what action the Government intends to take in the matter?

The Honourable Mr. D. J. Boyd : The matter is under inquiry and the result will be communicated to the honourable member as soon as possible.

STATUTORY AGRICULTURISTS IN THE CO-OPERATIVE DEPARTMENT.

***4879. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state communitywise the number of head clerks in the offices of Assistant Registrars, Co-operative Societies, the number of statutory agriculturists of each community among them and the proportion in which they are drawn from the various revenue divisions of the province?

The Honourable Sardar Sir Jogendra Singh : A statement giving the required information is laid on the table—

Statement.

NUMBER OF HEAD CLERKS ACCORDING TO COMMUNITIES.			NUMBER OF STATUTORY AGRICULTURISTS OF EACH COMMUNITY			PROPORTION IN WHICH THEY ARE DRAWN FROM THE REVENUE DIVISIONS.				
Hindus.	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.	Lahore.	Jullundur.	Ambaln.	Multan.	Rawalpindi.
8	11	1	3	9	1	4	7	1	2	6
Total 20			13			20				
Including one from the North-West Frontier Province.										

STATUTORY AGRICULTURISTS IN THE CO-OPERATIVE DEPARTMENT.

***4880. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state—

- (a) the number of head clerk candidates for offices of Assistant Registrars, Co-operative Societies ;
- (b) the number of Hindus, Muslims and Sikhs and the number of statutory agriculturists of each community among the candidates referred to in (a) ;
- (c) the proportion in which the candidates referred to in (a) have been drawn from the various revenue divisions of the province ?

The Honourable Sardar Sir Jogendra Singh : (a) Eight candidates.

(b)	Hindus.	Muslims.	Sikhs.
Statutory Agriculturists ..	2	4	2
(c) Lahore division ..	0	3	1
Jullundur division ..	4		
Ambala division ..	3		
Multan division ..	1		
Rawalpindi division ..	..	..	..

BRIDGES ON THE WESTERN JUMNA CANAL.

***4881. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state after enquiry, if necessary—

- (a) whether it is a fact that the Western Jumna Canal passes through the lands of Santri, Kehruba, Zainpur and Chappa villages in the Karnal district ;
- (b) whether it is a fact that the *abadis* of these villages are on the western side of the canal and the major portion of their agricultural lands is situated on the eastern side of the canal ;
- (c) whether it is a fact, that the bridges nearest to these villages are those at Nebari and Indri villages and that these bridges are at a distance of eight miles from each other and at least four miles from the villages mentioned in (a) ;
- (d) whether it is a fact that other bridges, such as those of Indri, Gorgarh, Kheri Man Singh, Rumba and Rujana are at a distance of about four miles from one another ;
- (e) whether it is a fact that in order to reach and return from the lands to the east of the canal the inhabitants of these villages have to cover a distance of at least eight miles, and in consequence of this, the lands to the east of the canal are not cultivated to the fullest advantage ;
- (f) if the answer to the above questions is in the affirmative, what the Government intend to do in the matter to provide the cultivators with facilities of rapid access to their lands ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) As regards the *abadis* the answer is in the affirmative but as regards the major portion of agricultural land it is in the negative.

(c) The nearest bridges are at Badarpur and Indri which are 8 miles apart.

(d) Yes.

(e) No. There are in addition 3 ferries provided at Santri, Zainpur and Chappa. The approaches to the ferries are being improved in order to enable bullock carts to get on and off the ferries as far as possible without unloading.

(f) Does not arise.

RURAL REPRESENTATION UNDER THE NEW CONSTITUTION.

***4882. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) the urban and rural population of each community in the province ;
- (b) the number of territorial seats including those for women allotted to each community in the newly reformed Council ;
- (c) whether it is a fact that the special seats reserved for the University, Commerce and Industry and Indian Christians are essentially urban seats ;
- (d) whether it is a fact that the special seats reserved for Labour will, in practice, also go to urban candidates ;
- (e) what is the average population per urban and rural seat among Muslims, Hindus and Sikhs, respectively (i) excluding and (ii) including the seats referred to in (c) and (d) ;
- (f) what is the average number of voters per urban and rural seat among Muslims, Hindus and Sikhs, respectively (i) excluding and (ii) including the seats referred to in (c) and (d) from among urban seats ;
- (g) what is the contribution made approximately to the provincial exchequer by the rural and urban populations, respectively ;
- (h) whether it is a fact that by far the largest contribution in manpower at the time of war is made by the rural population ;
- (i) if a larger portion of seats has been allotted to the urban population, particularly among Hindus, under the tentative proposals of the Government than is justified either on the basis of population, or voting strength, or contribution to the provincial exchequer or services to the State, what are the grounds for this invidious treatment ;
- (j) whether it is a fact that it is the opinion of the Southborough Committee that the seats allotted to rural areas in the Punjab should be increased ;

[R. B. Ch. Chhotu Ram.]

- (k) whether it is a fact that in pursuance of the recommendation of the Southborough Committee the Punjab Government proposed an addition of two seats to the rural share ;
- (l) whether it is a fact that as a result of the final recommendations made by the Government of India the position of the rural population actually worsened ;
- (m) if the answer to (l) is in the affirmative, what are the steps which the Government proposes to take in order to prevent the recurrence of the mistake made in 1919 ?

The Honourable Nawab Muzaffar Khan : (a)—

		<i>Urban.</i>	<i>Rural.</i>
(a) General	.. ..	1,005,299	5,768,988
Sikh	.. ..	178,150	2,885,994
Muslim	.. ..	1,424,981	11,878,060
Indian-Christians	.. ..	Urban and Rural—892,144	

(b) Reference is invited to the Table of seats of the Provincial Legislative Assemblies in the 5th Schedule of the Government of India Act, 1935—

	<i>Women.</i>		
General (including Scheduled Castes)	.. 42 +	1	= 43
Sikh	.. .. 31 +	1	= 32
Muslim	.. .. 84 +	2	= 86
Indian Christians	.. .. 2	..	= 2

In addition, Europeans and Anglo-Indians have been given one seat each.

(c) They are special seats for which urban candidates may be successful, but it is not possible to say definitely.

(d) It is impossible to say.

(e) According to Punjab Government's proposals, which are provisional, the average per seat is as below—

		<i>Urban.</i>	<i>Rural.</i>
(i) General	.. ..	125,600	221,600
Sikh	.. ..	89,000	99,500
Muslim	.. ..	158,000	158,000

(ii) It is not possible to say in the absence of an indication as to the community to which the honourable member assigns each particular seat.

		<i>Urban.</i>	<i>Rural.</i>
(f) (i) General	.. ..	20,100	24,400
Sikh	.. ..	13,600	15,700
Muslim	.. ..	17,000	15,000

(ii) It is not possible to give an answer unless it is known to what community the honourable member assigns these seats.

(g) It is not possible to estimate even approximately the contribution made to the provincial exchequer by the rural and urban populations respectively.

(h) Yes.

(i) According to Government's proposals, the Muslim and the Sikh urban population get approximately the representation to which they are

entitled on a population basis. The General urban population have been given eight seats, including a weightage of two seats, the chief reason being that they have seven seats in the present Legislative Council, and it was thought that they also might be given some share in the general increase of seats.

(j), (k) and (l) The Southborough Committee recommended that the urban population should be given weightage. The Joint Select Committee on the Government of India Bill disagreed with the Southborough Committee, and considered that the rural population should receive a larger share of representation. The original proposal of the Punjab Government was for 10 urban and 44 rural seats (i.e., the rural were to be 80.5 per cent. of the total number of seats). Later, in deference to an opinion expressed by the Joint Select Committee, the Punjab Government proposed that there should be 10 urban and 48 rural seats (thus making the rural 82.8 per cent. of the total). Numbers finally sanctioned after alteration by the Government of India were urban 13, and rural 51, thus making the rural 80 per cent. of the total. In this way the position of the rural population became 1.5 per cent. worse than what had been originally proposed by the Punjab Government.

(m) In the existing Punjab Legislative Council rural seats are 80 per cent. of the territorial seats. According to Government's present proposals for the new Punjab Legislative Assembly, the rural seats are 87.3 per cent. of the total number of territorial seats. Thus Government's proposals give the rural population more territorial representation than they have been receiving in the present Legislative Council.

STUDENTS IN THE GOVERNMENT METAL WORKS INSTITUTE, AMBALA CITY.

*4883. Chaudhri Allah Dad Khan : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the total number of students in the Government Metal Works Institute, Ambala City ;
- (b) the total number of Muslim students in that institute ;
- (c) the total number of applications for admission to this institute in 1930, 1931, 1932, 1933, 1934 and 1935 ;
- (d) the total number of applications for admission to the institute made by Muslim candidates, in the years mentioned in (c) above ;
- (e) whether Government is aware that complaints have been made to the officers of the department, and have also appeared in the press about the paucity of Muslim teachers on the staff of the institute, about the ways and means that are adopted to exclude Muslim candidates from admission to the institute and about the mal-treatment and neglect to which the Muslim students of the institute are subjected by the staff ;
- (f) if the answer to (e) is in the affirmative, what steps the Government has taken or intends to take in the matter?

The Honourable Dr. Sir Gokul Chand Narang : (a), (b), (c) and (d) A statement is laid on the table.

(e) and (f) Certain complaints reached the Department of Industries. They contained vague general statements without any specific instances of mal-treatment or neglect, or of exclusion of eligible Muslim students

[Hon. Dr. Sir Gokul Chand Narang.]

from admission. Enquiries were, however, made which showed that the complaints were unfounded. There has not been a single instance of exclusion of a qualified Muslim student who applied for admission at the right time. Every effort is made to balance the staff of the Institute community-wise, but it is not possible in the case of a technical institution to appoint untrained or inexperienced teachers. In fact in a recent case a technical test was held in which a Hindu came out the first best and a Muslim the second best. The Director appointed the Muslim with a view to adjust communal proportions as far as possible. Government is unable to countenance the appointment or retention of an unqualified or incompetent teacher in any industrial institution.

Statement showing the number of Muslim and other students in the Government Metal Works, Institute, Ambala.

- (a) Total number of students at present on the rolls of the Institute... .. 68
 (b) Number of Muslim students on the roll... .. 16
 (c) and (d).

	1930.	1931.	1932.	1933.	1934.	1935.
Total number of applications received for admission.	75	36	44	45	66	60
Number of applications received from Muslim candidates for admission.	44	16	12	11	12	14

COMMUTATION PRICES AND THE ASSESSMENT OF LAND REVENUE.

*4884. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Revenue Member kindly state—

- (a) the price per maund of wheat, cotton, *gur* and *toria* on the 15th January and 15th June, respectively, at Lyallpur and Jaranwala in 1930, 1931, 1932, 1933, 1934 and 1935 ;
- (b) the commutation prices of wheat, cotton, *gur* and *toria* adopted for the purpose of the assessment of land revenue in the settlement now under consideration ;
- (c) the average yield per acre of wheat, cotton, *gur* and *toria* assumed for the purposes of calculating net assets ;
- (d) the amount of land revenue collected actually in each tahsil of the Lyallpur district in 1930, 1931, 1932, 1933, 1934, respectively ;
- (e) the conventional land revenue realisable in each tahsil of the Lyallpur district under proposed settlement ;
- (f) the amount of land revenue which would be realisable in each tahsil of the Lyallpur district on the basis of average yield adopted at the last settlement and calculated at one-fourth of the net assets which would accrue if the prices of the principal crops mentioned in (a) were to continue ?

The Honourable Nawab Muzaffar Khan : (a) to (e) Statements are laid on the table except as regards the answers to part (c) and (e) for stahsils Toba Tek Singh and Samundri, for which the Settlement Officer has till to publish the abstracts.

(f) The preparation of these statistics would require an amount of time and labour out of all proportion to the results obtainable, and I do not feel justified in calling for them under the circumstances.

(a).

Lyallpur Mandi Rates.

Year.	COMMODITIES.				
	Wheat.	Gur.	Torla.	Cotton.	
				Desi.	American.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
15th January, 1930 ..	4 4 0	5 9 0	7 8 0	6 12 0	11 10 0
15th June, 1930 ..	3 0 0	6 2 0	6 2 0	8 8 0	13 4 0
15th January, 1931 ..	2 3 0	3 14 0	3 12 0	5 4 0	6 14 0
15th June, 1931 ..	1 8 0	3 8 0	3 6 0	5 8 0	7 8 0
15th January, 1932 ..	2 7 0	3 12 0	4 1 0	7 14 0	9 4 0
15th June, 1932 ..	2 2 3	2 8 0	3 6 0	4 12 0	6 4 0
15th January, 1933 ..	3 0 0	2 8 0	3 8 0	5 15 0	7 1 0
15th June, 1933 ..	2 12 6	3 4 0	3 9 0	5 8 0	7 8 0
15th January, 1934 ..	2 1 0	3 0 0	2 8 0	5 0 0	6 11 0
15th June, 1934 ..	2 2 0	5 0 0	3 4 0	4 4 0	6 0 0
15th January, 1935 ..	2 7 0	4 6 0	4 4 0	6 8 0	10 2 0
15th June, 1935 ..	2 3 0	5 8 0	5 2 0	6 0 0	9 0 0
	<i>Jaranwala Mandi Rates.</i>				
15th January, 1930 ..	4 4 6	5 14 0	6 1 0	7 9 0	11 8 0
15th June, 1930 ..	2 15 0	5 14 0	5 14 0	..	..
15th January, 1931 ..	2 3 6	3 10 6	3 11 0	5 4 0	6 8 0
15th June, 1931 ..	1 7 6	3 5 0	3 4 6	..	..
15th January, 1932 ..	2 6 0	3 4 0	3 11 9	7 14 0	8 14 0
15th June, 1932 ..	2 1 9	2 6 3	3 14 3	..	..
15th January, 1933 ..	3 0 0	2 8 9	3 10 0	6 0 0	7 0 0
15th June, 1933 ..	2 11 3	3 1 0	3 7 0	..	..
15th January, 1934 ..	1 14 0	3 0 6	2 7 6	4 12 9	6 4 0
15th June, 1934 ..	2 3 8	3 8 6	3 8 9	..	..
15th January, 1935 ..	2 5 0	4 4 0	4 4 0	6 9 3	9 12 0
15th June, 1935 ..	2 1 9	5 4 0	4 12 0	..	..

[Hon. Nawab Muzaffar Khan.]

(b).

Crop.						Annas per maund.
Wheat	..	..	..	..	..	60
Cotton (American)	..	..	..	..	..	200
Cotton (Desi)	..	..	..	..	..	169
Gur	..	..	..	..	..	88
Toria	..	..	..	..	..	92

(c).

Jaranwala and Lyallpur tahsils.

Name of crop.						Produce per acre. Maunds.
Sugarcane	..	..	..	..	..	30
Cotton (American)	..	..	..	..	..	6½
Cotton (Desi)	..	..	..	..	..	6½
Toria	..	..	..	..	..	8
Wheat	..	..	..	..	..	14

(d).

Statement showing recovery of fluctuating land revenue, Lyallpur district.

Name of tahsil.		1929-30.	1930-31.	1931-32.	1932-33.	1933-34.
		Rs.	Rs.	Rs.	Rs.	Rs.
Lyallpur	{ Kharif ..	7,97,714	6,83,238	5,96,175	7,15,711	7,36,313
	{ Rabi ..	13,37,099	8,82,633	9,79,956	7,88,693	8,77,479
	Total ..	21,34,813	15,65,871	15,76,131	15,04,404	16,13,792
Semundri	{ Kharif ..	6,62,521	5,74,922	5,12,247	6,05,271	6,23,190
	{ Rabi ..	11,88,172	7,87,529	8,82,506	7,24,299	8,90,160
	Total ..	18,50,693	13,62,451	13,94,753	13,29,570	15,13,350
Toba Tek Singh	{ Kharif ..	6,14,150	5,54,795	4,86,881	5,80,023	5,99,337
	{ Rabi ..	12,38,771	8,05,606	8,49,307	7,30,643	9,01,003
	Total ..	18,52,921	13,60,401	13,36,188	13,10,666	15,00,340
Jaranwala	{ Kharif ..	7,61,828	6,47,071	5,71,004	6,82,401	7,12,287
	{ Rabi ..	12,60,448	8,00,075	9,22,863	7,46,482	9,25,248
	Total ..	20,22,276	14,47,146	14,93,867	14,28,883	16,37,535

(e).

					Rs.
Jaranwala tahsil	..	..	..	..	22,44,556
Lyalpur tahsil	..	..	..	..	25,08,571

REMISSION OF LAND REVENUE.

***4885. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly state whether in calculating the amount of remission (if any) to be granted from year to year the produce factor will also be variable like the price factor ?

The Honourable Nawab Muzaffar Khan : The reply is in the negative.

CONCILIATION BOARDS UNDER THE RELIEF OF INDEBTEDNESS ACT.

***4886. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Finance Member kindly place on the table a statement showing—

- (a) the names of the tahsils and districts where Conciliation Boards are to be set up in connection with the Relief of Indebtedness Act ;
- (b) the name, qualifications, status and tribe (not religion) of the President and the members of each of these boards ;
- (c) when these boards are expected to start work?

The Honourable Mr. D. J. Boyd : A statement is laid on the table. In certain respects this statement is incomplete. The remaining particulars will be supplied to the honourable member subsequently.

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

Statement.

Serial No.	Jurisdiction.	Name of President and members.	Tribe.	Status and qualifications.	Date from which the Board was established.
1	Amritsar district. (The whole).	<i>President.</i> Rai Sahib Lala Diwan Chand <i>Members.</i> 1. Sardar Hardit Singh 2. Chaudhri Ghulam Rasul <i>President.</i> Khan Bahadur Mian Ghulam Rasul.	Khatri .. (Will be verified) Raiput .. Thahim Jat ..	Retired Extra Assistant Commissioner, Honorary Magistrate. Honorary Magistrate. Zaildar and J agirdar. Retired Deputy Superintendent of Police, Lambardar, Municipal Commissioner.	11th September, 1935. 11th September, 1935.
2	Jhang district. (The whole).	<i>Members.</i> 1. Rai Bahadur Lala Girdhari Lal.	Khatri Dhal ..	Honorary Magistrate, Honorary Subordinate Judge, Sub-Registrar and Joint Registrar (retired), Lambardar, Member, District Board. Sufedposh and Member, District Board.	11th September, 1935.
3	Panipat tahsil (Karnal district).	<i>President.</i> Khan Saddiq Ahmad Khan <i>Members.</i> 1. Lala Deep Chand 2. Chaudhri Naurang Singh	Saiyyid .. Pathan .. Mahajan Ror ..	Retired Extra Assistant Commissioner. Member, District Board. A Zaildar who has done particularly good work for agriculture and for the Co-operative, Education and Veterinary Departments.	2nd October, 1935.
4	Gadh Shankar tahsil (Hoshiarpur district).	<i>President.</i> Rai Sahib Lala Shiv Shankar <i>Members.</i> 1. Subedar-Major Manohar Singh. 2. Chaudhri Ghulam Mustafa ..	Vaish (Aggarwal) .. (Will be verified) .. Ditto ..	Retired Extra Assistant Commissioner. Ex-army officer and Zaildar. Zaildar.	11th September, 1935.

UNSTARRED QUESTIONS AND ANSWERS.

ZAILDARS IN THE JHELUM DISTRICT.

1245. Mian Nurullah : Will the Honourable Revenue Member please state—

- (a) whether rules 2, 3, 4, 5, 7 and 12 under the Land Revenue Act stand cancelled by virtue of rule 30 (c) recently incorporated in respect of the appointment of zaildars in the Jhelum district or whether rule 30 (c) only affects the *inams* and not the zaildars ;
- (b) in case the ordinary rules governing the appointment of zaildar in the Jhelum district are not observed, the criteria by which the Collector will be guided in making such appointments or selections in future ;
- (c) whether it is a fact that under head ' Register B, Inams ' sub-rules 8 and 9 of rule 30 (c) it is given that these *inams* correspond to zaildari allowance and should be governed by the ordinary rules under the Land Revenue Act including (as they are graded) rules 12 and 13 ;
- (d) if so, what those ordinary rules are under the Land Revenue Act when rules 2, 3, 4, 5, 7 and 12 do not apply to all kinds of Jhelum *inams* (section 30 (c) (2)) ;
- (e) why Jhelum lambardars are scored out in spite of their loyal services when the selections for higher post of *ilakadar* and *inamdar* are made ;
- (f) the number of non-lambardar *ilakadars* in the Jhelum district ;
- (g) whether the rights of lambardars of the zails were not ignored by the promotion of non-lambardars when suitable lambardars were available ?

The Honourable Nawab Muzaffar Khan : (a) to (e) Land Revenue Rule No. 30-C is under revision. The attention of the honourable member is invited to notification No. 2691-R., dated the 10th October, 1935, published on pages 651-652 of part III of the *Punjab Gazette*, dated the 18th October, 1935, inviting suggestions and objections to the revised rule.

(f) Eleven out of seventy-three.

(g) No.

SANITARY CONDITION OF RAJGARH.

1246. Chaudhri Bansi Lal : Will the Honourable Member for Education be pleased to state—

- (a) whether the residents of the new *abadis* near Rajgarh submitted petitions and memorials to Government and Municipal Committee of Lahore for the improvement of the sanitary condition of the area ;
- (b) whether Government or Municipal Committee has taken any action in that direction ;
- (c) if not, why not ?

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

(b) Yes. The Municipal Committee has.

(c) Does not arise.

ASSESSMENT OF WATERCOURSES TO LAND REVENUE.

1247. Rai Sahib Lala Gopal Das : Will the Honourable Revenue Member kindly state—

(a) whether he is aware that the Junior Secretary to the Financial Commissioners, Punjab, issued a circular letter No. 555-R. of 16th February 1935, to all Deputy Commissioners in the Punjab ordering lands under watercourses to be assessed to land revenue and water rate ;

(b) whether it is a fact that heretofore in Multan and several other districts lands under watercourses carrying water to various fields were entered as *ghair numbar* and as such were exempted from the assessment of land revenue and water rate ;

(c) if so, what has led the Government to take this step and whether Government proposes to reconsider this question ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) Does not arise.

HAVELI IRRIGATION PROJECT.

1248. Rai Sahib Lala Gopal Das : Will the Honourable Revenue Member kindly state—

(a) when the construction of Haveli Irrigation Project is likely to be taken in hand ;

(b) whether the proposed canal will be perennial or semi-perennial ?

The Honourable Nawab Muzaffar Khan : (a) The Haveli Project prepared by the Punjab Government is shortly to be submitted to the Government of India with the object of obtaining sanction from the Secretary of State to the construction of the works involved.

(b) Of the channels forming parts of the scheme some are proposed for non-perennial and others for perennial irrigation.

ACREAGE RATE IN THE NILI BAR COLONY.

1249. Khan Bahadur Mian Ahmad Yar Khan Daulatana : Will the Honourable Revenue Member be pleased to state—

(a) whether it is the intention of the Government to reintroduce the acreage rate payment in the Nili Bar Colony from *rabi* harvest 1935 ;

(b) whether Government is aware that the prices of the agricultural produce have not improved since the postponement of the collection of the acreage rate in the Nili Bar ;

(c) whether the Government is also aware that the water supply of the Nili Bar Canals is still as bad as it was at the time when the collection of the acreage rate was postponed ;

(d) if the answer to (a) is in the affirmative, the reason for reintroducing the payment of the acreage rate ?

The Honourable Nawab Muzaffar Khan : (a) Yes, but the number of half-yearly instalments has been increased from 8 to 14 and the amount of each instalment has been reduced from Re. 0-8-6 and Re. 0-3-6 to Re. 0-5-0 and Re. 0-2-0, respectively.

(b) No. There has been improvement in the prices of agricultural produce compared with those current in *kharif* 1930 when the recovery of acreage rate was suspended for the first time.

(c) No. The supply in the past years has been sufficient for the needs of irrigation.

(d) Does not arise ; but the reason for re-commencing the recovery of acreage rate is that Government are paying interest on the sum spent on the construction of culverts and water courses. The longer the recovery of acreage rate remains suspended the more will be the accumulation of interest, and eventually it may become necessary to recover the whole or a part of the interest from those for whose relief the recovery was suspended.

TANAZA SYSTEM OF KHARABA IN THE NILI BAR.

1250. Khan Bahadur Mian Ahmad Yar Khan Daulatana : Will the Honourable Revenue Member be pleased to state—

(a) whether it is a fact that the Government intends to introduce *tanaza* system of *kharaba* in the Nili Bar ;

(b) whether Government is aware that the condition of water supply in the Nili Bar is still uncertain ;

(c) the reasons, if any, for not introducing the *kharaba* system in the Nili Bar till the water supply is improved ?

The Honourable Nawab Muzaffar Khan : (a) At present some channels are under the ordinary or *Tanaza kharaba* Inspection System and others under the Special *Kharaba* System.

(b) Government is not aware that the conditions of water supply in the Nili Bar as a whole is still uncertain, on the contrary Government believes that the water supply is sufficient to do the irrigation proposed.

(c) The ordinary or special *kharaba* system is applied to each channel according to the conditions of water supply on that channel.

ESTABLISHMENTS OF PUBLIC WORKS BRANCH OF DISTRICT BOARDS.

1251. Lala Jyoti Prasad : Will the Honourable Minister for Local Self-Government be pleased to give a detailed statement as regards :—

(a) the working of the establishment of Public Works Branch of the district boards of Rohtak, Karnal, Hissar, Ambala, Gurgaon, Ferozepore, Jhelum, Multan, Mianwali and Rawalpindi ;

(b) the pay of district engineers and their grades, dates of their appointments and other allowances from the municipal committee, if there be any in the districts mentioned in (a) ;

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(c) the number of sub-overseers and overseers in each district board mentioned in (a) with their—

- (i) pay,
- (ii) grades,
- (iii) dates of appointments,
- (iv) other allowances,
- (v) educational qualifications,
- (vi) cost of work carried by each in the financial years 1932-33, 1933-34, 1934-35 ;
- (vii) home districts ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Owing to the vagueness of the terms in which this part is couched Government regret their inability to answer it.

(b) A statement containing the requisite information is laid on the table.

(c) The preparation of the answer to this part will involve an amount of time and labour out of all proportion to the value of the information. Government will, however, be glad to supply information regarding any particular individual in any particular district and the cost of any particular work.

Statement showing the particulars of District Engineers employed in certain districts in the Punjab.

Name of district.	Present pay.	Grade.	Date of appointment.	Allowances paid by Municipal Committees.
Rohtak ..	Rs. 750	Rs. 250—10—400—20—600—30—750.	14-5-14	Rs. 40 per mensem paid by the Municipal Committee, Rohtak.
Karnal ..	500	300—20—500	15-7-26	..
Hissar ..	410	250—20—450	1-3-35	Rs. 50 per mensem paid by the Municipal Committee, Hissar, and Rs. 30 per mensem by the Municipal Committee, Hansi.
Ambala ..	800	600—50—800	1-3-35	..
Gurgaon ..	600	500—20—600	26-11-26	..
Ferozepore ..	420	400—20—500	2-8-21	..
Jhelum ..	250	200—10—250— 3/25—5/300.	15-10-32	..
Multan ..	700	500—50—700	1-3-25	..
Mianwali ..	No separate District Engineer has been employed by the District Board, Mianwali.			
Rawalpindi ..	500	..	1-10-35	(The District Engineer has been employed jointly by the District Boards of Rawalpindi and Attock).

ESTABLISHMENTS IN DISTRICT BOARDS.

1252. Lala Jyoti Prasad : Will the Honourable Minister for Local Self-Government be pleased to give in the form of a statement as regards the district boards of Karnal, Hissar, Rohtak, Ambala, Gurgaon, Ferozepore, Jhelum, Multan, Mianwali and Rawalpindi—

- (i) pay,
- (ii) grades,
- (iii) dates of appointments ;
- (iv) educational qualifications, and
- (v) working experience in the board

of (1) the secretaries ; (2) all the permanent clerks and other officials of all the branches of the board ?

The Honourable Dr. Sir Gokul Chand Narang : It is regretted that the information asked for cannot be given as its collection would entail an amount of labour out of proportion to the value of the information.

INCOME AND EXPENDITURE IN DISTRICT BOARDS.

1253. Lala Jyoti Prasad : Will the Honourable Minister for Local Self-Government be pleased to lay a statement on the table of the income and expenditure under different heads of the district boards of Rohtak, Karnal, Hissar, Ambala, Gurgaon, Ferozepore, Jhelum, Multan, Mianwali and Rawalpindi for each of the financial years of 1932-33, 1933-34 and 1934-35 ?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is referred to the report on the working of district boards in the Punjab during the year 1933-34 which also contains the required information for the financial year 1932-33. For the financial year 1934-35 statements of income and expenditure are laid on the table.

Income during 1934-35 of District Boards under different heads.

Serial No.	Name of the District Board.	General Departments.	Education.	Medical.	Public Health.	Veterinary and stock breeding.	District Works.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Rohtak ..	3,63,750	2,92,336	25,975	900	8,200	22,000
2	Karnal ..	3,56,900	1,96,012	20,579	1,606	1,540	9,400
3	Hissar ..	2,54,433	2,26,800	52,226	480	1,490	6,050
4	Ambala ..	3,24,750	1,94,278	18,275	2,030	2,175	35,690
5	Gurgaon ..	3,04,950	2,76,178	41,607	3,790	720	14,256
6	Ferozepore ..	4,44,613	2,58,796	65,050	2,400	770	46,482
7	Jhelum ..	1,89,300	4,46,988	21,013	452	5,530	28,000
8	Multan ..	4,67,230	2,73,550	28,290	800	1,510	15,300
9	Mianwali ..	1,28,583	2,79,801	26,605	301	6,845	399
10	Rawalpindi..	2,10,250	4,42,995	28,735	300	5,500	28,200

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Expenditure during 1934-35 of District Boards under different Heads.

Serial No.	Name of the District Board.	General De-	Education.	Medical.	Public Health.	Veterinary and stock breeding.	District Works.
		partments.					
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Rohtak ..	52,390	4,17,477	73,832	24,158	34,747	84,537
2	Karnal ..	85,625	2,73,403	82,064	25,088	28,810	85,942
3	Hissar ..	62,815	2,98,095	87,179	15,185	21,630	46,379
4	Ambala ..	81,470	2,67,630	64,925	24,770	19,450	1,05,900
5	Gurgaon ..	48,888	3,61,440	1,07,615	19,599	31,869	57,304
6	Ferozepore ..	1,11,331	3,55,125	1,41,458	43,113	26,234	1,41,433
7	Jhelum ..	52,473	4,81,060	62,159	14,536	22,626	57,360
8	Multan ..	1,17,550	4,20,000	1,13,970	21,860	52,130	1,17,900
9	Mianwali ..	36,533	3,25,636	48,498	10,871	30,048	14,237
10	Rawalpindi ..	46,350	4,96,295	58,562	19,998	23,080	57,826

NUMBER OF STUDENTS AND THE EXPENDITURE INCURRED ON EDUCATION IN SCHOOLS.

1254. Lala Jyoti Prasad : Will the Honourable Minister for Education be pleased to give in the form of a statement the following for the years 1925 to 1935, in each of the districts of Hissar, Rohtak and Ambala :—

- (a) the number of students community-wise in all the Government, municipal board, district board and aided schools ;
- (b) the expenditure incurred on education by the various district boards, municipal boards and in Government and aided schools ?

The Honourable Malik Sir Firoz Khan Noon : I am doubtful if the value of the information will be commensurate with the labour involved in its collection and compilation.

If the honourable member will kindly indicate the object for which he wants this information I may be able to give him the necessary information without having to collect the information mentioned in his question.

NORTH-WESTERN RAILWAY ADVISORY COMMITTEE.

Secretary : As a result of the election held on the 1st November, 1935, the following three members are declared to have been duly elected to serve on the North-Western Railway Advisory Committee :—

1. Khan Bahadur Malik Muhammad Amin Khan, to represent agricultural interests ;
2. Sardar Sahib Sardar Ujjal Singh, to represent trade interests ;
3. Shaikh Muhammad Sadiq, to represent industrial interests.

COURT OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Secretary : As only one nomination (that of Chaudhri Allah Dad Khan) has been received for election to the membership of the Court of the Indian Institute of Science, Bangalore, Chaudhri Allah Dad Khan is declared to have been duly elected by the Punjab Legislative Council. (*Cheers*).

RESOLUTIONS.

ELECTION OF HONORARY MAGISTRATES FOR LOCAL BODIES.

Mr. President : The Council will now resume discussion on the resolution *re.* ban on honorary magistrates standing for election to local bodies.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*) : The other day I was submitting that the honorary magistrates should not be allowed to stand as candidates for membership of any district board, municipal committee or small town committee from any constituency within their magisterial jurisdiction for if once they are elected as members of any such body, they are likely to remain members of the same for the whole of their life. No one will dare to stand against them in election. Some of the honourable members may object that if an honorary magistrate is to be debarred from standing as a candidate for the membership of any such body how he can be allowed to stand as a candidate for membership of either the provincial legislature or the central legislature. What I want is simply this that they should not be allowed to seek election to a local body from a constituency which lies within their magisterial jurisdiction. In the case of this Council or the Legislative Assembly they have to get votes from bigger constituencies which spread over large areas which are not under their magisterial jurisdiction. But in the case of municipalities or district boards the constituencies are small and often they do not extend beyond the area under the magisterial jurisdiction of the honorary magistrates. I once again repeat that the fact that I have moved the present resolution must not be taken to mean that I am against honorary magistrates. I do not find fault with them. I am rather of the view that in India the system of appointing honorary magistrates should be extended further. I stressed this point in my current year's budget speech also. Extension of this system would save a lot of money to the Government. In my opinion magistrates who are appointed honorary discharge their duties very efficiently and they are also public-spirited men who would do better if they devote their whole time and energy to the municipal work. At present such people are over-worked. They have to discharge their magisterial duties, and in addition they have to do municipal and district board work. As they are over-worked they fail to discharge either duty efficiently; if such men are freed from their magisterial work they would devote all their time to the work of local bodies and this will increase efficiency in the work of the local bodies. I have moved this resolution in view of all these things which I have submitted. I hope the Government will see their way to accept it.

Mr. President : Resolution moved—

This Council recommends to the Government that the electoral rules of local bodies be so changed as to make the honorary magistrates ineligible to stand as a candidate for the membership of any municipal committee, district board, small town committee or the panchayat from any constituency within his magisterial jurisdiction.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadan, Rural) (*Urdu*): The honourable lady member has moved this resolution without understanding that it would take away the little influence which the people have over the honorary magistrates and which they can use over the latter at the time of election. The magistrates have to be very polite to the people because under the present system they realise that they will have to depend upon them at the time of elections. At present the honorary magistrates are allowed to seek election to local bodies and as such many a stiff-necked person has to go about begging for votes. This makes them dependent for votes on the goodwill of the people and this constitutes a restraint on them in their magisterial capacity. If Government deprives them of the right of seeking election to various local bodies and instead nominates them to those bodies as suggested by the honourable lady member it would make them quite independent of the people. It will take away the little check which the people have over them at present. Under the present system which allows them to stand as a candidate they have to care for the people and also for the Government, but if they become independent of the people they will only care for the Government. At present we find that it is very difficult to interview the Honourable Finance Member or the Honourable Revenue Member, but it is very easy to interview any of the three Honourable Ministers. This facility regarding interview with the Honourable Ministers is due to the fact that they are the representatives of the people and have to seek elections before they are appointed Ministers. Their dependence on the people for becoming members makes them courteous and polite towards them and any member can go to them at any time he chooses. This is not the case with the Honourable Finance Member or the Revenue Member. They are directly appointed by the Governor and in no way do they depend upon the help of the people. So they can afford to keep aloof and deny any facility to anybody as regards interviews. The same is true in the case of honorary magistrates. The honorary magistrates have to get votes from the people for seats in the local bodies. This dependence upon the people makes them careful not to displease them.

Then, again, you allow the Ministers to become members of this House notwithstanding the fact that they have got so much patronage as regards the appointment to various services, but you object to honorary magistrates seeking election on the ground that they exert undue influence while fighting election campaigns. If the honourable lady member had consulted her husband who is a learned lawyer, he would not have advised her to move this resolution. But it appears she did not consult him about this resolution.

Mr. President : The honourable member should not be personal.

Chaudhri Ram Sarup With these words I strongly oppose the resolution under consideration and request the honourable mover to withdraw it.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*): I will not take much time of the House in placing my viewpoint before it. I will briefly invite the attention of my honourable

friend to a simple fact that honorary magistrates are capable of doing a good deal of harm to those people who refuse to vote for them in the elections. At the same time they can also show undue favours to those who vote for them. When honorary magistrates go about canvassing there are very few people who have the courage to refuse to promise to vote for them. And if any dares to refuse, he is later on put to a great deal of trouble. They misuse their powers and influence against such people who oppose them. This means that under the present system honorary magistrates can unjustly favour or harm people. As such it is not only necessary that the magisterial powers should be taken away from them at a time when they are fighting an election themselves, but that these powers should also be taken away from them when elections are going on generally for, in the latter case they can exert their influence in favour of their friends. People are coerced to vote for honorary magistrates, and those who show inclination to vote against them are threatened. As such the principle underlying this resolution is a very sane one. As most of the members of this House are honorary magistrates it is very difficult to get this resolution passed. I would, therefore, request the honourable lady member to withdraw it. Otherwise I have full sympathy with it and I would say that it deserves to be passed by the House.

The Honourable Mr. D. J. Boyd (Finance Member): As law and order is in my portfolio I think it is incumbent upon me to say a word or two upon this resolution. I was delighted to hear to-day that our elected lady member is not opposed to honorary magistrates in general and she reminded us that in her budget speech she had recommended their appointment in order to save the budget of the province. In Britain, as the House is aware, certainly in England, the greater part of the magisterial work is done by Justices of the Peace who correspond to honorary magistrates in this country; and the saving that they cause to the finances of England is a very large sum indeed. In this country the Government have followed the lead of England in appointing honorary magistrates for various reasons. In the first place, it gives great relief to stipendiary magistrates and saves the province the expense of appointing a very considerable number of stipendiary magistrates. In the second place, as all members are aware, honorary magistrates are used on occasions of processions, fairs and festivals in helping to maintain law and order and their services in this direction are simply incalculable. As members are aware, in some of the big cities processions are taken out, sometimes for several days running and the number of processions that are taken out during the year in any large city is very considerable indeed. If on every occasion stipendiary magistrates had to be in attendance, the consumption of thier time would be enormous and their ordinary magisterial work would suffer very seriously.

Honorary magistrates help very greatly in relieving them of this burden. Again, there may at any time in any corner of a town and possibly in rural areas also, be a serious riot and it is extremely convenient to have a magistrate, whether honorary or stipendiary, who is able to come and, if necessary, call upon the police to disperse the rioters and help them generally in the maintenance of law and order. We may also look at it from the other side, the side of the honorary magistrates. The system gives non-officials of standing a great opportunity for

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public service and it is good for all of us to have our time fairly fully occupied. It is particularly good for those who have more than the average share of the goods of this world and who have a considerable amount of leisure to fill in. If they do not have responsible work such as that of honorary magistrates to perform, then they are apt to run into idleness and instead of being leaders of the community they would become the butt of the community and would be a cause of deterioration instead of a cause of advancement. For all these reasons, I think there can be no doubt whatever that the system of appointing honorary magistrates is one to be maintained and as time goes on possibly to be extended. Taking the honorary magistrates as a whole, the Government owes them a very great debt of gratitude indeed and this debt is in a majority of cases only discharged by an occasional letter of thanks for the onerous duties which they perform. For this reason, as I have already said, it would be a retrograde step to go back upon the system which at present prevails of getting a considerable part of our magisterial work performed by non-officials. I have no doubt that the Council will agree to the acceptance of the principle and the next question is what should guide us in selecting non-officials for the discharge of these duties. Obviously you want a man of local influence first of all, whose word will carry some weight and we want a man of integrity and the fact that most of the honorary magistrates are possessed of more than the ordinary share of worldly wealth does help us to secure their integrity. You want a man with a high sense of duty and a man who is ready to devote a considerable portion of his leisure to the discharge of public obligations. These are the principles which are followed by Government in the selection of honorary magistrates and on the whole the appointments are made with great care. Here and there I have no doubt that mistakes are made as they happen in every human institution, but taking them all over, the honorary magistrates in the province are a fine body of men to whom we should be very grateful indeed for all they do. Now for the public work which is done by local bodies surely exactly the same qualities are required as are required for the discharge of honorary magisterial duties. Surely we want people of local influence and of integrity with a high sense of duty who are willing to devote a considerable portion of their leisure to public duties. They are exactly the same qualities and, therefore, anything which would exclude or tend to exclude honorary magistrates from public service on local bodies would, I think, be worthy of the condemnation of this House. It is for this reason that the Government benches must oppose the resolution. (*Cheers*).

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhammadan, Rural): I rise to support the resolution moved by the honourable the lady member. The institution of honorary magistrates is an evil from which the country has suffered and those people who speak well of it are labouring under ignorance. These people are generally ill-educated, unacquainted with law and generally belonging to parties in the country. For these reasons such men should not stand up for election to local bodies. There is one point to which there cannot be any answer and I say this without fear of contradiction. If stipendiary magistrates cannot stand up for election, why should honorary magistrates stand up? Both of

them do the same work ; they have the same dealings with the public. There is this difference that the honorary magistrate is a native of the place and belongs to one party or the other with inclination to injure or favour people. This has so happened in many cases. If a man has not given his vote for the honorary magistrate, he has suffered. He has opportunities for doing various kinds of harm. I know that in one or two cases when the man applied for a transfer of his case from the court of the honorary magistrate on the ground that he voted against the magistrate, the district magistrate said, ' This is a general practice; there are so many people voting for or against the magistrate and if on that ground cases are to be transferred, then all the cases on his file should be transferred.' In that way the man concerned suffers. How can we then justify the standing of these men for election for local bodies, while the stipendiary magistrates cannot? If there is any difference it is in favour of the stipendiary magistrates because he being a man from another district cannot form parties in the places in which he is employed. But the honorary magistrate is born, brought up and has his being in the same place and so has parties of his own. I can say this that there is no honorary magistrate who has no party of his own. There are various circumstances in life. The nature of the business and the nature of his dealings with the persons in the locality and his association with them tend to make him form parties of his own in the *ilaqa* in which he serves. So he goes to election on the strength of his power as honorary magistrate. His power is freely used on many occasions and this is ill-used. I have heard it said by many that if that man does not vote for me, I will serve him right if I find an opportunity and this only frightens the elector. The Honourable Finance Member said some words in justification of the honorary magistrates. But all those arguments apply against them. He said that they are employed for controlling processions and for making arrangements in connection with fairs and *melas*. So I say that they use their influence on these occasions in favour of the parties to which they belong. If this argument is to have any force then the tahsildar should have no influence at all because the honorary magistrate from the nature of things possesses these things which these people do not possess in abundance. So, I think he would be better and more useful in controlling these processions if he were not in local bodies. I have got this experience that when an officer becomes a member of a local body he generally becomes unpopular with most people, at least with many people. I have seen a tahsildar who when he became a member or president of a municipality lost his influence. For there are several people who come with petitions for building houses and so on and if the tahsildar does not grant their requests then he becomes their enemy. This would not have arisen if he was not a member of the municipality. From the very nature of things I think these men should be debarred from election. Why should the honorary magistrate continue to dominate the public with his power by abusing it, why should he also return as member of local bodies? I do not think it is a sound principle to allow these men to contest the elections. They have already enough work as honorary magistrates and I say that they often abuse their power. There are hundreds of examples which I can quote where these magistrates have abused their powers and yet they stand up again for local bodies. I know of a reader who was transferred from a certain honorary magistrate's court. He said, the magistrate possessed second class powers and the

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magistrate asked him to write a judgment sentencing a man to two years' imprisonment and Rs. 500 fine. The clerk told the magistrate that he had not got the power to pass such a judgment. The magistrate replied, "Never mind, you write what I say" and the clerk refused to do so and when the deputy commissioner came he complained that the man was not carrying out his order, so he must be transferred and of course he was transferred. There are hundreds of such examples which I can cite. If a man abuses his powers in that way, can he not be expected to abuse his powers in a local body also? Honourable members know that if anybody stands for election he leaves no stone unturned to get himself elected. You know what trouble or botheration it gives for the man who wants to get elected. He will not fail to use his power from whatever source it might have come. He uses everything in his power. He spends his money. He flatters people; he entreats them. And do you think he will spare his powers as honorary magistrate from being used for his election? It will not be possible for any human being to use that sort of control over himself as not to use his powers towards gaining his object. If they stand for election it is an honour to them and on no other thing they set more value than on this in the world. Whether that election is or is not of any use to him, yet he sets a high value on it and he does not spare anything for gaining his object. The very desire of coming with flying colours in the presence of his companions, the desire of keeping self-respect, all these things combined make him use all endeavours, all efforts, and all influence and all his money and everything else that he possesses in the world. It is a matter of common knowledge that when elections come, if everything else fails, then people send their female relations to their relatives' houses and they start hunger strike. When these extreme practices are observed during elections, do you think that an honorary magistrate will spare his powers? All people know that he possesses these powers and all people know that they might suffer from these powers. How, then, can you say that this is an innocent thing? The Honourable Finance Member said that the efficiency of these honorary magistrates will be affected. I dare say that if you deprive him of many other things also, people will still hanker after the honorary magistracy. Such is the love of power. People will accept this office with the same enthusiasm and eagerness with which they hanker after it now. You, therefore, need not fear that honorary magistrates will not be forthcoming. They will still come in equally large numbers. But, even the stipendiary magistrates have already been deprived of the right to take part in elections; on the same principle these honorary magistrates should also be deprived of this right. You make no distinction between a stipendiary and non-stipendiary or honorary magistrate in the matter of other powers, why should there be this difference, why should you deprive one of this right and not the other?

Rai Bahadur Lala Sewak Ram : The honourable member is repeating himself.

Chaudhri Allah Dad Khan : No. With these words I support the resolution and commend it to the acceptance of the honourable members of the House who know the honorary magistrates.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural): I am very sorry that the Honourable Finance Member has taken into his head to oppose this resolution. We are on the eve of a new constitution and we must think twice before opposing such a resolution. Some years back, when the Government required such people and such institutions, at that time it was possible for a Government member to oppose that resolution, but when you are handing over the Government to the elected element of this country, why do you oppose this resolution? Tell me this, whether you require constitutional Government or not. If you like constitutional Government you cannot support such institutions as are not elected ones. You must therefore say whether Government likes these honorary magistrates or not. If Government wants that these institutions should flourish which are called the elected institutions, then we must do away with the institution of honorary magistrates and must do away with their standing for the elections. The very fact that this honourable house is swarmed with honorary magistrates is a big proof of the fact that honorary magistrates have got some influence in the elections. All those honourable members who are not honorary magistrates can tell you the fact that these honorary magistrates do use such influence which they ought not to do at the time of elections. Moreover, to-day we people who oppose the Government are tired of these institutions and I am sure Government who are now supporting these institutions will really come to grief if they allow these honorary magistrates to continue to take part in elections. Any clever man will handle the situation in the country in such a way that every honorary magistrate will be under his thumb and if a man opposes such a person these honorary magistrates will vehemently oppose that man. I, therefore, do not think that the Government which is handing over the country to an elected element should support this institution. I think it is for the British Government now to do away with this institution and if they cannot do away with this institution at least they should debar them from standing for elections. I think that every section of this House will support the resolution that is put forward by the honourable the lady member. If we have to carry on the Government efficiently we ought not to have such institutions as honorary magistrates. With these words I support the resolution.

Rai Sahib Lala Labh Chand Mehra (Non-official, Nominated), (Urdu): I have carefully thought over the resolution moved by the honourable lady member and also heard with rapt attention all the speeches which have been made in its support. I had no intention to oppose the resolution moved by the Shrimati ji but as I feel that her resolution is against the interests of the local bodies I think it is my duty to oppose it. She says that the Government should debar honorary magistrates from seeking election to the local bodies. But the question is, are the honorary magistrates inefficient to serve in the local bodies; do their interests clash with the interests of the local bodies or is their presence in the local bodies inimical to the best interests of these bodies? If the answer to all the three parts of this question be in the affirmative, we should certainly lend our support to this resolution. The honourable mover herself has given the answer to this question, which is in the negative. She has proposed that the honorary magistrates may be nominated to the local bodies, or that they may be allowed to seek election in the constituencies other than those where they have magisterial

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powers. Now, if the honorary magistrates can prove to be useful members when nominated by the Government they can certainly be useful in the capacity of elected members also. When it is clear that their presence in the local bodies will not be detrimental to the interests of those bodies why should the Government debar them from seeking election to these bodies? I believe that while bringing forward a resolution concerning local bodies we should be guided by only one principle and that is this: is our proposal going to benefit the local bodies or not? If we are honestly of the opinion that the proposal contained in the resolution, if carried into practice, will benefit the local bodies, we should certainly lend our support to the resolution, otherwise not. We should not bother about any other consideration. If the honourable lady member thinks that the presence of the honorary magistrates in the local bodies as elected members from a constituency other than that where they have jurisdiction, will not be detrimental to the local bodies, will she please let us know for what fault of theirs, is she bent upon preventing them from seeking election from their own constituencies? Does she think it a crime that they give their time for public service without taking any remuneration for it? According to Shrimati ji their great fault is this that they are influential. Does she want to urge that influential people should be ousted from the local bodies and the raff should be taken instead? If to be influential is such a great sin, why do you allow influential vakils, big sahlukars and learned medical practitioners of great repute to seek election? And then why should you allow big zamindars to seek election because they also wield very great influence among the people. After all what undue influence do the honorary magistrates use in order to get into the local bodies?

Lala Bhagat Ram : Nothing short of a *danda*.

Chaudhri Allah Dad Khan : To what class of honorary magistrates does the honourable member belong?

Rai Sahib Lala Labh Chand Mehra : The honourable member from Ambala has said that people are afraid of the honorary magistrates and therefore they cannot be induced to vote against them. But the question of fear does not arise. The honourable member should know that elections are held by ballot and you can not tell who has voted for you and who has not. Then he said that once the honorary magistrates are returned from a constituency they continue as members as if it is their heritage. But this only proves that the people have confidence in them and return them over and over again. The fact ought to have gone in their favour rather than against them if the honourable member had considered this point with an unbiassed mind.

The suggestion of the honourable lady member that the honorary magistrates should either be nominated by the Government or should be made to seek election from distant constituencies is not practicable. The percentage of nominated members in the local bodies as fixed is so small that the honorary magistrates cannot be accommodated. If Shrimati ji is asked to seek election from Dera Ghazi Khan when her home district is Ambala she will know what difficulties she has to experience. And if elected, which

fact alone would be nothing short of a miracle, she will not be able to perform her duties efficiently on account of her utter ignorance of the local conditions of the district of her adoption.

My honourable friend from Ambala has complained that at least one of his arguments has not been met by those who have opposed this resolution, and that is this: if stipendiary magistrates are not allowed to seek election to the local bodies why are the honorary magistrates so allowed? (*Chaudhri Allah Dad Khan*: I never said, stipendiary magistrates). What class of magistrates did the honourable member mean? I know of two categories of magistrates only, stipendiary and honorary. If the honourable member is aware of a third category of magistrates, he will kindly let me know now or after the Council time. (*An honourable member*: There is a third category of magistrates, that is, dismissed magistrates). (*Laughter*). I will tell him why it is not possible to allow stipendiary magistrates to seek election. They have sold all their time to the Government. They have no time to spare for additional public service. On the other hand honorary magistrates are in a position to spare their leisure hours for additional public service. Then nobody can tell when a stipendiary magistrate is to be transferred. If to-day he is posted at Multan, to-morrow, he finds himself despatched to Rohtak and day after to Sialkot. Therefore it will not be in the interests of the local bodies if stipendiary magistrates are allowed to seek election and if they are allowed, local bodies will have to undergo the ordeal of by-elections several times within a year. Moreover, if a stipendiary magistrate member of a local body is transferred people will begin to attribute motives to the Finance Member and motions to censure Government on that issue will be tabled in the provincial legislature. I hope the honourable member will have seen why the stipendiary magistrate is kept out of the elections by the Government. Then some people will object to the undue official influence encouraged by the Government in the local bodies if stipendiary magistrates are allowed to seek elections. Perhaps honourable members have not paid due attention to these things before.

Shrimati Lekhwati Jain: Everything has been duly considered.

Lala Bhagat Ram: The Government has been very considerate indeed.

Rai Sahib Lala Labh Chand Mehra: Then a criticism has been levelled against the honorary magistrates that they are party men. Perhaps honourable members ignore this fact that as magistrates they have to remain above all party prejudices. If a magistrate is known to be a party man he cannot remain a magistrate. I think, I have made it abundantly clear that the resolution moved by Shrimati Lekhwati Jain will be inimical to the interests of the local bodies if it is brought into effect. This will deprive the local bodies of the services of good, intelligent, honest and experienced public servants. It is on this ground, that I oppose this resolution and I would request this House to do likewise when it is put to the vote.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) (*Urdu*): I do not propose to make a very lengthy speech on the subject under discussion. The honourable mover of the resolution in commending her resolution to the House has not said a word against the honorary magistrates. She has

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rather paid them compliments by admitting that these gentlemen are intelligent and influential people and have rendered very useful service to the local bodies. What appears to be her intention is simply that she does not want these honorary magistrates to undergo the trouble and inconvenience and to incur the expenses that a candidate for election to these local bodies has generally to undergo and to incur. That is all what the honourable mover has said if I have understood her rightly. But the honourable member from Hoshiarpur (Chaudhri Afzal Haq) who followed her and who apparently stood up to support the honourable mover, struck quite a different note. He began by saying that the institution of honorary magistrates was against all principles of democracy and that he would very much like to see this institution come to an end immediately. He described these magistrates as illiterate and unlettered persons and said that they were there to do nothing but injustice. He also said that they misused their position and their influence. He was followed by the honourable member from Ambala (Chaudhri Allah Dad Khan) who described these magistrates as a despicable class of persons and wanted us to believe that their presence in the local bodies was dangerous to the country and the people. I am at a loss to understand whether these two gentlemen were supporting the honourable mover or opposing her. One would think that they were opposing her because what they said was quite different from what the honourable mover had said. I am inclined to think that they were not themselves sure of what they were saying at that time. Anyway I shall leave this at that and say that most of the arguments advanced by the honourable mover in support of her resolution have been fully answered by the honourable member from Amritsar (Rai Sahib Lala Labh Chand Mehra) and I need not cover the same ground over again. But there is one thing which I must say and to which no one has alluded so far. We know that the honorary magistrates are men of high position and social status as has been explained just now by the Honourable the Finance Member. But let us admit for a moment and for the sake of argument that these gentlemen do misuse their influence for purposes of election to the local bodies and that this evil, which the honourable mover wants to be eradicated, is there. But neither the honourable lady member nor Chaudhri Allah Dad Khan has adduced any facts or figures in support of their contention. Now, there are 36 elected members of the Lahore Municipal Committee. I would like to know how many of them are honorary magistrates? (*An honourable member* : Perhaps only one.) Again, how many of the elected members of the Amritsar Municipal Committee are honorary magistrates? (*An honourable member* : None.) When there are no such members of local bodies I wonder why so much is being said against the honorary magistrates. There are 106 municipal committees in the province and if you can prove that out of the total number of members of these bodies say five, four or even two hundred members are honorary magistrates, you may with some show of reason ask the Government to take action on the lines suggested in the resolution. But as matters stand the resolution appears to be absolutely uncalled for. The Honourable Chaudhri Sahib on the opposite side and perhaps Dr. Muhammad Alam gave notice of a similar resolution some years ago.

Shaikh Muhammad Sadiq : The Honourable Minister then voted in favour of that resolution probably.

The Honourable Dr. Sir Gokul Chand Narang : It was balloted, but the House could not get time to discuss it. The Government was, however, afforded an opportunity to consider this matter. Consequently on the 9th December, 1927, a letter was issued by Government to all commissioners inquiring whether in elections—

- (i) honorary magistrates have shown any undesirable activity as would prejudice their position as magistrates, and, if so,
- (ii) what would in their opinion be the most suitable method of meeting the case.

After having received replies from the commissioners the Government issued the following directions on 23rd June, 1928 :—

The Governor in Council has now had an opportunity of considering the replies received from all commissioners to my demi-official No. 32351-Judl., dated the 9th December, 1927. It has been decided that 3 months before an election is to be held, enquiry should be made from each honorary magistrate by deputy commissioners demi-officially whether it is his intention to stand as a candidate in the election. If so, no cases should be sent to such magistrate till the election is over and pending cases should also be withdrawn.

- (2) I am to add that if an honorary magistrate is found to be using his influence prominently on behalf of a candidate for election and to an extent that it is likely to create an impression, or to involve charges, that his complete impartiality in his judicial work is being affected thereby, then it is discretionary with the district magistrate to have cases withdrawn from his court until the election is over.

Now, it would be clear that in the presence of these directions no further action is necessary. But one should not conclude from it that the Government had no confidence in their honorary magistrates. In fact these directions were issued simply to remove misunderstandings about the position of the honorary magistrates. I would like to read another relevant passage from the said letter—

I am to request that you will acquaint the District Magistrates with these orders and ask them to inform honorary magistrates in their districts by a demi-official letter of the nature of the orders. It should be explained that the object is not to deter honorary magistrates from standing for elections or canvassing if they so desire, but simply to remove any grounds for misunderstanding or malicious charges regarding the use of their powers.

Thus it is made clear that the object was not to debar the honorary magistrates from standing as members of local bodies but to remove misunderstandings about the use of their powers. The Government had otherwise full confidence in their integrity and character. Later on, the District Magistrate, Lyallpur, referred this matter again to the local Government in order to remove his doubts as to whether these directions applied only in case of Council elections. The following reply was sent to him—

Please refer to your demi-official letter No. 5, dated the 3rd of January, 1928, regarding honorary magistrates.

The directions contained in Home Secretary's demi-official letter No. 1611- S. H., dated the 23rd of June, 1928, apply also to district boards, municipal committees and other local bodies.

It was thus made clear that these directions would also apply to local bodies. I, therefore, submit that in the presence of these directions no other action is needed. The honorary magistrates are after all human beings as good or bad as we are. They are not gods. If they are debarred from seeking election to local bodies you can further suggest that their sons should

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not be allowed to seek election as well because a father is likely to exercise his influence in favour of his son.

Even if we admit for the sake of argument that honorary magistrates can misuse their influence at the time of elections then the possibilities of the misuse of power and influence on the part of other people are so vast that you can neither imagine their extent nor check them. You can very well also demand that big land-holders should not be allowed to seek election to any local body because they exercise great influence in the locality in which they reside and can use that influence to the detriment of their opponents. A tenant dare not vote openly against his landlord. The possibilities of the misuse of power and influence are so great that it is very difficult to check them and hence we cannot help putting up with the evil, if any, to some extent.

Pir Akbar Ali : The influence exercised by an honorary magistrate stands no comparison with that exercised by a *rasagir*.

The Honourable Dr. Sir Gokul Chand Narang : Pir Sahib is right in saying that a *rasagir* has got more influence than an honorary magistrate. Perhaps in the part of the province represented by the honourable lady member there are no *rasagirs* and she does not know who they are. (*Kanwar Manraj Singh :* There are *rasagirs* there also.) (*Some other honourable members :* There may be some here also.) (*Laughter*). Similarly a *zaildar* has a great deal of influence in his *ilaga* and you will say that he too should be made ineligible to stand as a candidate for the membership of any local body. A *zaildar's* authority extends over a very large area and he can put his opponents to a good deal of trouble. (*An honourable member :* What powers does a *zaildar* possess?) A *zaildar* has authority in the area included in his *zail* and he can, if dishonest, misuse that authority. Moreover, he has got the *tahsildar* at his back. In short, the evil which the honourable lady member intends to check by this resolution may be so extensive in its range that it is impossible to control it. A majority of people have one sort of influence or another in particular spheres and they can use it in the way they like.

I very much appreciate one remark of Chaudhri Ram Sarup. He said that honorary magistrates are often very proud and stiff-necked persons, but when they stand as candidates for membership of local bodies they become very humble and go about begging for votes with such expressions on their lips as "Maharaj, Maharaj" or "Remember so and so". This dependence upon people for votes makes honorary magistrates behave properly. But, if instead of allowing them to stand and contest seats of various local bodies you start the practice of nominating them to those bodies, you will deprive the people of the influence they exercise at present over them. This will make them independent of the people and able to treat them as they like.

Then, again, votes are not cast openly and as such no honorary magistrate is in a position to know who has voted for him or against him. Under the ballot system the votes are recorded secretly and the people have full freedom in their choice of candidates. I need not dwell on this point at length for my honourable friend Lala Labh Chand has amply made it clear

and has also answered some other points mentioned by the honourable lady member in her speech. I can make bold to say that the principle underlying this resolution is not a sound one and I request the honourable lady member to withdraw it.

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

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammdan, Rural) : The resolution moved by the honourable lady member, I submit, is of great vital and democratic importance and I, therefore, with your permission wish to examine the various arguments advanced by the Honourable Minister in opposition to this resolution. As a matter of fact, if we correctly understand the speech of the Honourable Minister and the attitude of the Government, they have practically accepted the principle which underlies the resolution under discussion. For example, the Honourable Minister said that the Government in 1927 made certain enquiries from their own officials, from the Commissioners and others in regard to a matter of a similar nature. The Government was of the opinion that the cases from the file of the honorary magistrate should be withdrawn if he intended to stand for election. That was one safe course adopted by the Government in order to keep the purity of elections intact. Then we were told that though this was the attitude of Government, the Government made it clear that honorary magistrates were not debarred from standing for election ; nor should these remarks of the Government be taken to mean that they are in any way hostile to these people standing and getting themselves elected to the various local bodies and to the Legislative Council. Neither, I submit, does the resolution of the honourable lady member debar these honorary magistrates from standing for election. All that is sought by the resolution is that an honorary magistrate shall not stand from that ward which is within his jurisdiction and this principle has been accepted by the Government when the Government has sent directions to their district officers asking them to let the honorary magistrates know that in case they seek elections cases are to be withdrawn from their file for three months before elections and then they are permitted to stand for election. In other words, the Government recognise that there is a good deal of truth in the statement that these honorary magistrates exercise undue influence and, therefore, people who have got their cases pending in these magistrates' courts should not have them tried by them and their cases should be sent somewhere else. I submit, therefore, that the principle underlying the resolution which is moved has been accepted to a great extent by the Government and all that is now sought for is that this principle should be extended a little further. It does not mean anything beyond this. Having once accepted the principle that the the honorary magistrates are likely to unduly influence the voters, the principle may be so extended as to debar them from standing for election from the constituency which is within their jurisdiction . The Government having as a matter of fact accepted this principle, the Honourable Minister and his supporters have really gone astray when they tried to confuse the issue. The issue was quite clear though the resolution has been supported from different points of view. Some honourable members think that the institution of honorary magistrates is not a good one ; others think that there may be some limit placed on their right of standing as candidates for

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the local bodies. But it is nobody's case—at least it is not mine—that all honorary magistrates are dishonest or are corrupt. I do not say that at all. Honorary magistrates like others are human beings; some are good, some bad. Some serve the Government honestly; others serve in order to fill their pockets by various means. It is widely known that many honorary magistrates make a lot of money by the exercise of their magisterial powers. Nobody can deny that. But as a matter of fact the Honourable Minister admitted practically that there are corrupt people amongst the policemen and the zaildars—

The Honourable Dr. Sir Gokul Chand Narang : I did not make any such statement. I said, if they are dishonest they can do.

Mr. Nanak Chand Pandit : You said definitely that there are many zaildars who are utilised by the tahsildars and the magistrates for satisfying their greed.

The Honourable Dr. Sir Gokul Chand Narang : Can be utilised.

Mr. Nanak Chand Pandit : There is a possibility; let us have that.

The Honourable Dr. Sir Gokul Chand Narang : Yes.

Mr. Nanak Chand Pandit : And you know that that possibility is a certainty.

The Honourable Dr. Sir Gokul Chand Narang : That is a different matter.

Mr. Nanak Chand Pandit : But everybody knows that these things happen. High officials have made enquiries into these things and they find some guilty of corrupt and dishonest practices.

The Honourable Dr. Sir Gokul Chand Narang : So have been stipendiary magistrates.

Mr. Nanak Chand Pandit : Yes. Quite so. But stipendiary magistrates are debarred from standing for election and I am coming to that point. The underlying principle is this. In the election rules there is a certain provision which provides that elections should be free from undue influence. That is a very healthy rule. Taking the argument which the Honourable Minister applied to zaildars and others, there is a great danger that there would be a great temptation on the part of honorary magistrates to use their power in such a manner as to unduly influence the voter. That is the principle underlying this resolution. Why has the Government prohibited the stipendiary magistrates from seeking election? The basis of it is that a stipendiary magistrate should not be permitted to use undue influence for getting a vote and so on. That is one of the reasons why Government servants are prohibited even from canvassing, leave aside the question of standing as candidates. So the danger is there. All Government servants are not corrupt. But the danger is there that Government servants may unduly influence the voters. Those people who have conducted their own elections or conducted election petitions know that these influences are at work. Ignorant and illiterate voters are unduly influenced. The Honourable Minister said, "there is no disease; why come forward with a resolution when you have not been able to point out the dark spot in all these elections? Look at the municipalities, look at the district boards,

you have not been able to point out that there was any *kohram*." He used this word. I ask him, if there has been no *kohram* then why did Government issue these instructions?

The Honourable Dr. Sir Gokul Chand Narang : To allay your fears.

Mr. Nanak Chand Pandit : You are advancing an argument which really supports the resolution put forward by the honourable mover and I ask the Honourable Minister if he can shut his eyes to existing facts. In district boards are not there honorary magistrates being returned from time to time and is it not difficult to dislodge them? The Honourable Minister should be aware of this fact that once a seat goes to an honorary magistrate it is difficult to dislodge him from his seat. Threats are used at elections.

The Honourable Dr. Sir Gokul Chand Narang : Have you any such cases?

Mr. Nanak Chand Pandit : Hundreds of cases.

The Honourable Dr. Sir Gokul Chand Narang : Have you reported?

Mr. Nanak Chand Pandit : To whom should I report when there are persons who always shield such offenders. Council is the proper place to ventilate these things. Then there is the law of defamation and sometimes it is difficult to prove these things. The man may be harrassed for bringing certain charges of this kind. So the Council House is the proper place for ventilating public grievances and we give expression to these fears which agitate the public mind. Therefore I submit that the Honourable Minister was not quite right in not accepting the very modest resolution of the honourable mover. All that the resolution seeks is this, that these people are not to be debarred from standing; but if they want to enter the local bodies, they should come from certain constituencies which are not within their jurisdiction. That is all.

The Honourable Dr. Sir Gokul Chand Narang : Should we first exile them?

Mr. Nanak Chand Pandit : Government cannot bring forward this argument when they frame constituencies with regard to Legislative Council on a similar principle. Hoshiarpur is tagged on to Simla and a candidate living in Ambala has to go to Hoshiarpur for canvassing votes.

The Honourable Dr. Sir Gokul Chand Narang : Not for small town committee or panchayat elections.

Mr. Nanak Chand Pandit : The principle has been accepted by the Government and if the Government is fond of a particular honorary magistrate, he can always be nominated. The power of nomination with regard to district boards and municipalities is with the Government. They can always be nominated. Why then should the Government shirk its responsibility and not extend the principle to district boards and municipalities. That is all. It is a mere question of extension of that principle which the Government has already accepted. It is sheer *zid* on the part of Government not to accept the resolution. Then the Honourable Minister brought forward certain arguments when he was criticising the speeches of Chaudhri

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Allah Dad Khan and certain other honourable member. We are not out to support certain speeches or arguments, the question is a plain and simple one, whether the Government is prepared, in view of its own past experience on which it has based its own directions contained in the letters issued in the year 1927, to extend the principle a little further than that and I submit that in the interests of democratic government and purity of elections, it is essential that this moderate resolution of the honourable member should be accepted (*hear hear*).

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): In connection with this resolution it has been urged by several members that the honorary magistrates get votes by reason of their influence and authority. This argument is perfectly right and we need not go far to prove it. You know, Sir, and all the members know, that when the Honourable Minister for Local Self-Government sat on these benches, he was a different man altogether. But now that he is occupying a responsible position and is sitting on government benches, his attitude is entirely different.

There are some honorary magistrates in this House also. One honourable member belongs to Amritsar, one belongs to Phillaur, and one belongs to Alawalpur. In the first place, they are honorary magistrates, and secondly they are nominated members. These honourable members are entirely at the mercy of the government. They cannot express their opinions independently. If to-morrow the Government brings forward a resolution that all the wells of the Punjab should be poisoned to kill the inhabitants of the province, these gentlemen will meekly vote for the government. They cannot express any view or opinion independently. They are just like the camel and the bear. There is a string in their muzzle, which is tightly held by their masters. They make them dance to their will. Honorary magistracy and titles are the banes of our country. They have completely ruined our mother land. These things are great impediments to our liberty. They kill our conscience and do not allow us to think and act independently. If this curse were to disappear from here, we should lead a very comfortable and happy life. It is really a great pity that for their personal aggrandisement these people sacrifice the best interests of their country.

The Doctor Sahib was pleased to remark that in a certain case he issued a circular for investigation. But how can an official make an impartial inquiry. Those who do not work in accordance with the desire and policy of the government are not kept long as honorary magistrates. Those who act according to its wishes are not reported against by the officers appointed for investigation. If you really want to make an inquiry, you should entrust this work to an independent man like myself. I will tell you how an inquiry is held and I will give the lie to the official inquiry. If my report is wrong, I may be hanged. Government only gets reports from its own men. In this case the Honourable Minister has even read out a circular to the House to show that the government is doing everything that is necessary. I know that letters are issued and everything is written and entered in papers. But our regret is that little is done practically. If that were so, the public would have no grievance at all.

Furthermore, some of our countrymen are pining for titles and honours. They want to set fire to their country and watch the spectacle in a state of jubilation and joy. If the Doctor Sahib would have a talk with me in private, I would tell him what irregularities are being committed by the officers of the government. In criminal cases honorary magistrates do not allow the witnesses to get their travelling expenses, etc. They want to show a saving to the government and win its favour. Thus they think that they are helping the government. At the time of election if a person does not give his vote to the honorary magistrates, the latter becomes his bitter enemy. The magistrate begins to despise even the friends and relations of that man. He keeps them in mind, and whenever there is a chance he mercilessly takes his revenge. It was pointed out by the Honourable Minister that even rich men and zaildars exercise their influence like the honorary magistrates. The zaildars cannot harm anybody directly. They can ask only the tahsildar or the sub-inspector of police to harm somebody, but the honorary magistrates have their own sting. They can harm everybody independently. The speech of the Honourable Dr. Sahib has convinced me of the fact that he has brought his influence to bear upon the appointment of several gentlemen as sub-registrars and several others he has helped to become honorary magistrates. He has done all this to secure an easy election next year because if those people whom he has helped prove true to their salt, they in their turn will exercise their official influence in his favour.

The Honourable Dr. Sir Gokul Chand Narang : This is very mean. The honourable member should be asked to withdraw those words.

Mr. Deputy President : The honourable member will please withdraw those words.

Chaudhri Muhammad Abdul Rahman Khan : Very well, I withdraw my words. I wanted only to emphasise that the officials do use their influence if they so desire.

The Honourable Dr. Sir Gokul Chand Narang : You will probably know after one year that you made totally wrong and false allegations.

Chaudhri Muhammad Abdul Rahman Khan : Personally I would rather see the end of the very institution of honorary magistrates, because it is a curse to the country and its civilization. Honorary magistrates should under no circumstances be allowed to contest seats in the local bodies because these people know no clean fight, but are always anxious to use their undue influence. With these words, I lend my whole-hearted support to the resolution which is now before the House.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I am sorry to oppose the resolution tabled by the honourable lady member. But unfortunately it has always fallen to my lot to oppose the resolutions tabled by her, though I have the greatest regard for her talents, for her intelligence and for her ideas. But opinions are bound to differ and I am not an exception.

After what the Honourable Minister has said I do not think there is any need to debate this matter at any length. But there remains one aspect of the question, which has not been touched so far. Of course, it is on the lines already chalked out by the Honourable Minister, still there is a difference. There has been one mistake on the part of the honourable mover

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of the resolution in regard to the scope of her motion. Had she included the words 'legislative council' also, I am sure she would have got the greater support than now. But she only disqualifies the honorary magistrates from municipal committees, district boards, small town committees, and the notified areas and not from membership of the Punjab Legislative Council.

There has been some sort of misunderstanding in the mind of my honourable friend, Mr. Nanak Chand Pandit and the other supporters of this resolution. It seems that they are afraid of the very expression "honorary magistrate." They do not know in practice to what extent the honorary magistrates have power over the people and to what extent they can wield those powers. I would like to prove to the House that the honorary magistrates as such do not so much influence the people as honourable members think they do. There are honorary magistrates of two kinds as everyone here knows, the honorary magistrates on the benches and a few honorary magistrates who hold their court independently, as individuals. So far as the class of people who are magistrates on the benches is concerned, everybody here knows that they are merely ornamental and do no real sort of work. They are given very little work and it has always been the policy of the Government so far as I have ascertained from the answers to questions put by me on the floor of this House to give them a seat rather than a case. Those magistrates who are separate have thanas in which they exercise their jurisdiction always different from the place of their residence or from the place which is near about their residence. They, therefore, stand in different constituencies from those in which they have magisterial powers in these elections to district boards and local bodies. Special care is taken that they are not made *ilāqa* magistrates of the place where they own landed property or the place where they have their residential quarters. For example, in the whole of Lahore division, there is only one magistrate who has powers in his own *ilāqa*—in the Amritsar district. In more than ninety per cent. of cases so far as these elections are concerned people stand only for those places where they reside or where they own landed property. So a great deal of the argument vanishes that these people influence the votes by virtue of their magisterial power. As the lawyer members here may know, none of these magistrates practically are given the powers of receiving complaints direct. Complaints are always given to stipendiary magistrates or the district magistrates, who take special care that complaints relating to the place of residence of an honorary magistrate or place where he owns landed property do not go to that honorary magistrate, but to another. Even if some cases do go, the powers wielded by the district magistrate under section 528 of the Criminal Procedure Code are very frequently used and cases are transferred without the least hesitation from the files of honorary magistrates when there are some real and genuine grounds for the transfer. Taking all these things I would like to submit that this is clear that the honorary magistrates do not exercise any influence, due or undue, over the people for the purpose of election. In fact they have very little scope for that in the light of the remarks which I have made on the floor of the House.

Again, we should not think, for a moment, that these magistrates, who after all are very respectable people, will be so mean and will stoop to such

things to gain their personal ends. There are other forces which can be more detrimental to the interests of the public at elections and to which the Honourable Minister has already referred. I would not go into details, but there are other influences which have greater power over the people than the influence of an honorary magistrate working in an ilaqa. I would refer to cases in which even in the elections to this Chamber there have been allegations of threats of cattle-lifting, *rasagiri* and other undue influence and illegal practices. If we cannot discourage the acceptance of illegal gratification, of undue influence and of a hundred malpractices in connection with the elections to this House, it will not do if we simply eradicate the evil as we call it of the power and influence of an honorary magistrate. I would again point out to the honourable mover of the resolution that this is treating the disease at the wrong end, if such a phrase might be used. I have been saying on the floor of the House many a time and I have been pressing upon my colleagues that no amount of legislation will be able to check the prevailing malpractices even to a slight extent unless you educate public opinion, unless you improve the social and moral condition of the society. So it is absolutely useless to achieve this end by legislation. We should train the electorate to be of such an independent character that they should evade or condemn all sorts of influence sought to be exercised on them. Unless we do that there is no use one way or the other in passing resolutions or rejecting them. Any amount of laws will not be a check on the mentality of the public to the extent as the inner power of improvement secured by the amelioration of the social and moral condition of the people. That has been admitted on all hands and I quoted the other day the Honourable Justice Agha Haidar, who, when speaking in the Islamia College Hall said, that six or seven hundred murders were being committed each year in spite of the fact that there was capital punishment provided for that offence and he said that the only remedy was that public opinion should be educated in such a way that all should consider the act as a great sin. Unless we reach that pitch nothing can be done by legislation or in any other way. I may in the same strain tell the honourable mover: You had better educate the electorate not to be influenced by anybody, not to be subject to threats, not to resort to any illegal practices.

There is another thing. An honorary magistrate is disqualified even to go to the panchayat. It is ridiculous that a man who is fit to exercise magisterial powers first or second class should be absolutely disqualified from becoming a member even of a panchayat which hears cases involving the theft of two or three *shalgam* or a handful of green wheat.

Again, the honourable mover was pleased to say that just as Government officials were required under the rules not to tamper with elections or to stand for an election, the honorary magistrate, on the same analogy, should be asked not to stand for election. She forgets that honorary magistrates are non-officials to all intents and purposes and are not paid servants of Government. And, therefore, in this respect they stand on an absolutely different footing from the magistrates who are in the pay of Government or who are Government officials.

The honourable mover also said that the magistrates have no time and that election campaigns seriously interfere with their work. Suffice

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it to say, as I have already said, the magistrates are more as ornaments and far from doing a lot of work they get very little work and elections do not in any way interfere with the due performance of their duty. Taking the fourteen magistrates on a bench at a place like Gujranwala, Jhelum or any other district town, they have a term of two months in one year for their work and no one can say that this gives them any chance of unduly wielding their influence. The fact of their being honorary magistrates does not count unless there are very many cases and unless people are obliged to go to them in one connection or another. The magistrates are inactive for ten months and they are active like a volcano occasionally say only for two months in the year. This short time surely does not stand in the way of the performance of their duty.

Another point to note is that their powers are renewed after a specific term of years. All these things are borne in mind by the district magistrates and higher officials when there is a recommendation for a renewal of the term of office. It is open to anybody to bring complaints and surely a district magistrate who sees so many complaints of an election offence against a particular honorary magistrate, will not recommend that man for another term.

It was also said that unfortunately everything here was being given the colour of *firka prasti*. I do not want to translate the word as communal tension because that term is more dangerous. But I would only say that there is no *firka prasti* here for there are people from all classes in the ranks of honorary magistrates—Hindus, Muhammadans, Sikhs, Indian Christians, zamindars, non-zamindars, sahu-kars, borrowers, creditors and everybody.

The honourable member, Chaudhri Muhammad Abdul Rahman Khan, observed that these persons made a dishonest record and that they also do not give diet money to people coming before them. But I as a lawyer know of no such thing. That they do not give diet money to witnesses to save the Government is wrong. So far as my experience as a lawyer goes, I have not had any complaint against any of these people at least in this respect, and they never prepare and nobody in these days of enlightenment can afford to prepare a dishonest record.

I think I have spoken sufficiently on the resolution and I would, though very reluctantly, oppose it.

Mr. E. Mayadas (Non-official, nominated) (*Urdu*): It is with feelings of great regret that I have listened to the speeches made on the resolution under consideration. The honorary magistrates have been painted by some of the honourable members in very black colours. After all these gentlemen come from respectable sections of the people and it does not behove us particularly at this juncture, when we are proclaiming to the world that we are quite fit to run the administration efficiently, to paint in black colours sometimes this class of servants and at other times another class of servants. What is the use, I ask, of saying that the patwaris as a class are bad and the police constables are corrupt. It does not bring us any credit and as I have said it is not opportune to say all these things at this moment.

In considering the question now before the House, we should also take into account the fact that the honorary magistrates are serving the public without any remuneration and if we begin to denounce them as we are doing, and get rid of them then we shall have to employ so many magistrates and we shall have to pay them all. In that case the Government will have to incur a very heavy expenditure which we can ill-afford to bear. Therefore, under the circumstances it is very ill advised to bring forward such proposals and paint the honorary magistrates in such exaggerated black colours. With these words I oppose the resolution under consideration.

Shrimati Lekhwati Jain (*Urdu*): I am sure I shall not take much of the time of the Council in replying to the debate. I shall content myself with meeting some of the objections that have been raised against this very simple resolution. I think I need not take notice of what the honourable member Chaudhri Ram Sarup has said in opposing my resolution because it appears to me that whatever he has said, he has said without knowing or understanding what he was saying. Otherwise what was the fun in saying that if my resolution is carried, I or some other member may be inclined to ask the Government to make it essential for the ministers not to stand as candidates for election to the future Punjab Assembly from anywhere in the Punjab, but either from Bengal or from the United Provinces? He ought to have known that at the time these elections take place Dr. Sir Gokul Chand Narang and I and in fact any other member of the Council will be on equal footing. These ministers will not be ministers then. Therefore the honourable member need have no fears on that score.

Then the honourable member from Amritsar, Rai Sahib Lala Labh Chand Mehra stood up to oppose my resolution and he said that if I had no objection to these honorary magistrates entering the local bodies by nomination, where was the fun in disallowing them to come to these bodies by election, this argument was also advanced by the honourable member who preceded him. It appears that both of them have misunderstood me. I am prepared to repeat it once again that I have certainly no objection to these honorary magistrates being nominated for these local bodies. But what I want is that they should not be allowed to compete with other candidates who have no influence to counteract the influence attaching to the position of these magistrates. These magistrates as I have said, can come in as the representatives of the Government, but they must not be allowed to use or rather misuse their influence against the candidates of the public. The public should be allowed to exercise their votes freely and without fear of these magistrates.

I really fail to understand what objection there can be to the acceptance of the proposal that I have made in this resolution. These honorary magistrates are in a way Government servants. It is quite a different matter that they receive no remuneration and that they work honorarily. But this cannot be denied that they are working under the Government and if other Government servants, stipendiary magistrates, other executive officers and even ministerial officers, are prohibited from seeking elections to these local bodies why on earth should you allow these honorary magistrates, to stand as candidates for election against popular candidates? I understand that a Government servant is debarred even from canvassing for votes for other candidates and if he does, he does against Government Servants' Conduct

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Rules. But in the case of honorary magistrates, who are no less Government servants working no doubt without pay, an exception has been made and I am sure without any obvious reasons. It is apparently an invidious distinction and I am sure no sane man will tolerate it. The same honourable member was further pleased to say that if my resolution was carried the public would stand to lose as it would be nigh impossible to fill the vacancies vacated by the honorary magistrates in the municipal committees and the district boards with men of equal intelligence and equal experience. I ask the honourable member whether he really believes that the honorary magistrates are a superior type of humanity; whether he really believes that excepting these honorary magistrates there are no persons in the public to be found who can come up to the same standard as has been reached by these magistrates. I do not think it is his belief and if that is his belief, the less I say about that belief the better.

Another argument that was advanced by the same honourable member was that it would be very hard for the honorary magistrates, who have sold their time to the Government for nothing and without any remuneration, if they were now disallowed to seek elections to the local bodies. But the honourable member should know that it is an argument which supports my contention. If the honorary magistrates have sold their time to the Government and if they are bound by their honour to utilise that time in a particular service, they have no right to spend any portion of that time for any other work. Their honour demands that they should concentrate all their attention and all their time to the service which they have taken upon themselves, no matter honorarily. If as honorary magistrates, they are elected to any municipality or to a district board, it means that they devote some of the time dedicated for magisterial duties, to the work they must do as members of the local body concerned and if they do not do any work as members, it is no use for them to come to such local bodies. If I as a member of this Council do not come prepared with what I have to say on the questions that are to be considered by the Council, I had better not come at all. The membership of a local body and in fact all bodies is not an easy job if, of course, one means to be honest. The work connected with membership requires at least some devotion and if the honorary magistrates are honest as they should be and if they really mean business, they should themselves declare that they do not want to insist on having this right of standing as candidates for election to the local bodies. They should say, like honest men, that in future they will devote their time wholly and solely to the magisterial work that has been entrusted to them so that no party or parties to the cases coming up before them for decision may suffer in any way.

I am very sorry to see that the Honourable Minister has made so much capital of the omission as he calls it, on my part of not supplying the names and the number of honorary magistrates who are members of local bodies and who have misused their position and influence for purposes of election. I could give such names and the number also, but I have not done so merely out of courtesy.

The Honourable Dr. Sir Gokul Chand Narang : The honourable member could have given the names of the towns in which these magistrates have acted in a manner prejudicial to their position.

Shrimati Lekhwati Jain : If I had given the names of the towns, it would have been very easy to find out the names not intended to be disclosed. I therefore thought that I had better keep quiet so far as these names were concerned. There was yet another reason why I did not consider it necessary to collect these facts and figures. I knew and I was sure, as I am sure even now, that all these facts and figures must be in the possession of the Government and it would be useless attempt on my part to find out these figures. And I may also frankly admit that it never occurred to me that the Honourable Minister will care to take his stand on this very flimsy argument to oppose this very simple proposition. I do not know what purpose these facts and figures would have served and how the high and low percentage of the honorary magistrates in the local bodies would have helped the Honourable Minister. I have already made it abundantly clear that I am fighting on a question of principle. The question is not as to how many honorary magistrates there are in the local bodies and how many of them will succeed in future elections. I shall not be satisfied even if I am given this assurance that in future very few of them will compete for election. It is immaterial from my point of view whether they render good services to the local bodies or not. I take my stand on a question of principle and that is there is no earthly reason for allowing these magistrates to stand as candidates for election to these local bodies when other magistrates, stipendiary or otherwise, are not given this right. I want that these honorary magistrates who are in the same boat with other Government servants, should in no case be allowed to compete with the representatives of the public who fight the elections on their own merit and who have no influences like that of these magistrates. The fight at elections between the honorary magistrates and the other candidates is not at all a fair fight and fairness demands that these magistrates should keep aloof from election campaigns.

I have been asked not to press this resolution on another ground also and that is, that the question of influence is one which it is not very easy to solve. It has been said that this influence is used by every one, by the sahkars and by the zamindars and by all. How then will it be possible to disallow all such persons and classes of persons from seeking election to the local bodies if we are to fear this bugbear of influence at every step? I do not claim to purge the society of all evil by this resolution. But I wish, and wish sincerely, that whatever little can be achieved should be achieved. We should not hesitate to do even a little good simply because it is not in our power to make so many other reforms which ought to be made.

There are so many other flimsy objections that have been raised against this resolution and I need not take much of the time of the House in replying to those objections. It has been said that if the honorary magistrates were disallowed from seeking election to local bodies, where is the guarantee that they would not use their influence in canvassing for votes for their brothers or for their sons and other relations? This objection is very easy to answer. If the honorary magistrates are disallowed from seeking election to local bodies just as other Government servants are disallowed, they can as well be asked not to use their influence in favour of any of their relations. We know that the Government servants cannot use their influence in favour of any of their relations and if they do so they are guilty

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of an offence. Similarly it can be made an offence in the case of honorary magistrates if they are found using their influence in favour of any one. One honourable member was pleased to say that it was not possible to know whether a voter had cast his vote in the ballot box in favour of this candidate or that, and it is, therefore, not possible to judge the genuineness of the complaint made by me in this resolution. I for one do not cherish such a low opinion about the voters who, according to the honourable member say one thing and do another. I am sure that majority of the voters have nothing to fear from any candidate and they exercise their votes independently. I may also say that there is yet another thing in this connection that the honourable member has lost sight of and that is that in municipal elections and in elections to other local bodies the number of voters is very small, it is not very difficult to find out for every ward as to who has voted for the one and who has voted for the other.

I think I have sufficiently answered all the objections raised against the proposal contained in my resolution and I hope that all members will unite to support it and see that it is carried.

The Honourable Dr. Sir Gokul Chand Narang (*Urdu*): I think

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it would have been better if the discussion on the resolution had ended before the honourable member from Hoshiarpur spoke, for his speech has weakened the position of the honourable mover still further. If a layman like the honourable member opposite or the honourable mover fails to comprehend the real significance of a legal point, it does not matter, but it is a pity that a lawyer of the standing of Pandit Nanak Chand should not realise the legal implications of the resolution now before the House. The remarks made by Pandit Sahib show that he has not even read the resolution.

Shrimati Lekhwati Jain : Surely he has read it.

The Honourable Dr. Sir Gokul Chand Narang : If he has read it then evidently he has not analysed it, for he has remarked in his speech that he does not want the honorary magistrates to be debarred from coming into the local bodies but he simply wants that they should not come from constituencies within their magisterial jurisdiction. You say that they should not stand as candidates for membership of district boards, municipal committees, small town committees and panchayats from constituencies within their jurisdiction, which means that you are closing all doors upon them. Take the case of panchayats. They are established in rural areas. There may be one panchayat in a village or in two small villages together but an honorary magistrate is not appointed for each village or for each mohallah in a town. No honorary magistrate has ever been appointed for Wachhowali, Mohallah Sathan or for Kalal Majari. As a matter of fact, the honorary magistrate is sometimes appointed to exercise his power within the limits of a tahsil, sometimes entrusted with the work of a few thanas only. Let us say an honorary magistrate is appointed for Ambala tahsil and the city of Ambala is situate within his jurisdiction. According to the resolution he cannot seek election to local bodies from Ambala tahsil where his friends and relations reside.

Shrimati Lekhwati Jain : If he is so anxious to become a member of local bodies he should leave the idea of being appointed as honorary magistrate.

The Honourable Dr. Sir Gokul Chand Narang : Now you have understood the unsoundness of your resolution. You really want that no honorary magistrate should ever become a member of any local body. Your resolution and your speech contradict each other. You want to close all doors upon honorary magistrates. I hope the honourable mover has now realised the impracticability of her resolution and as such she would be well advised to withdraw it.

I turn now to the speech of Pandit Nanak Chand again. It seems the honourable member has failed to realise the legal implications of the resolution. He has attached undue importance to it. He says that honorary magistrate should not stand for election to local bodies from constituencies within their magisterial jurisdiction. But the question is, wherefrom should they come in? The speech of the honourable member was absolutely meaningless. The honourable member was pleased further to say that the Government have accepted the principle by asking the district magistrates to withdraw the pending cases from the honorary magistrates at the time of elections until they are over. But that as I have submitted in my previous speech was done with a view to remove the apprehensions of the public which they might have with regard to the use of powers by honorary magistrates. If a person has got a muffer at his house it does not mean that the person is always suffering from bad cold or if there is a water-spout at one's house it does not mean that it is raining throughout the twenty four hours. The district magistrates have been given discretion to withdraw cases from the honorary magistrates if they think that their powers would prejudice their position as magistrates at the time of elections. It is clear that Government have not accepted any principle in this matter but have advised certain action to be taken in case some honorary magistrates are interested in elections and may be likely to abuse their power. As I have already said I do not hold any brief on behalf of the honorary magistrates. They are as good or bad as stipendiary magistrates. The honourable Pandit Sahib has said one thing more that is when the stipendiary magistrates have been debarred from seeking elections to local bodies why should the honorary magistrates be allowed to stand as candidates for the membership of local bodies? Perhaps the honourable member has not listened to the argument advanced by Rai Sahib Lala Labh Chand Mehra. There are practical difficulties in the way of stipendiary magistrates in seeking elections to local bodies on account of their frequent transfers from one place to another. The same cannot be said of nominations. Nominations can be easily made. I do not want to repeat what I have already said. The resolution in its present form is altogether impracticable. I shall read it out to Pandit Ji.

Mr. Nanak Chand Pandit : I have already read it.

The Honourable Dr. Sir Gokul Chand Narang : The honourable member has then failed to realise its implications. Anyhow the resolution as it stands is as unreasonable as impracticable.

Mr. Deputy President : The question is—

This Council recommends to the Government that the electoral rules of local bodies be so changed as to make the honorary magistrates ineligible to stand as a candidate for the membership of any municipal committee, district board, small town committee or the panchayat from any constituency within his magisterial jurisdiction.

The motion was lost.

At this stage Mr. President resumed the chair.

ASSESSMENT OF LAND REVENUE ON PRINCIPLES OF INCOME-TAX.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (Urdu) : I beg to move—

This Council recommends to the Government to assess land revenue in accordance with the principles on which income-tax is assessed.

My purpose in bringing forward this resolution is to get some concessions for the zamindars so far as land revenue is concerned by drawing the attention of the House to their sad plight. By the fall in the prices the zamindars have been hit hard and it has become well nigh impossible for them to make both the ends meet. The income from land has become so little that the zamindars cannot pay land revenue according to the rates prevalent at present. After paying the Government dues very little is left with them for their own subsistence. It is a general impression that the zamindar only pays the land revenue but if you would view the matter sympathetically you will find that all the other taxes in addition to land revenue are also paid by the zamindars. All industries and professions depend upon agriculture and those who follow them realising that they will have to pay taxes pay the price of the commodities they purchase from the zamindars less the amount of tax likely to be levied. This means that the whole burden of taxation falls on the zamindar. He is unable to bear all this heavy burden and his condition demands that some better treatment should be offered to him. It is with the intention of helping him that I have moved this resolution and I hope that the Government will very kindly accept it to encourage the zamindar who is the backbone of the country and by whom all classes of people benefit. The zamindar supplies all kinds of necessities of life. He grows the crops and feeds the rest of the population of the country but no one cares for him. I hope the Government will take interest in his well-being by accepting this resolution. In other countries of the world every thing likely to help the zamindars is done but here in India very little is done to help them. According to the principles of income-tax no person whose income is less than one thousand rupees is charged income-tax. Previously incomes below Rs. 2,000 were not taxed. But on account of the present economic depression this minimum has been further reduced to Rs. 1,000 annual income. Incomes which are above the minimum of Rs. 1,000 a year are taxed according to graded rates of income-tax. But the land revenue is nearly $\frac{1}{4}$ th of the income from land. No concession is shown to small land-holders whose income from land is in majority of cases only a nominal sum. But I do not mean that in order to give concession to the zamindars burden of taxation may be increased on the tax payers. I only mean that the zamindars should be given concession so far as land revenue is concerned. (*The Honourable Revenue Member* : You want that on the one hand the burden of taxation should be reduced on the tax payers and on the other, concessions in land revenue should also be given to the zamindars.)

I only want that reasonable concessions should be given to the zamindars because they are hit hard by the present fall in prices. A business man or a sahuakar can deceive the Income-Tax Department by making wrong entries in his account books but a zamindar cannot do any such thing. The land possessed by him is entered in the Government records and revenue staff knows what he has sown and what income he is likely to derive from it. He cannot hide the true figures of his income from the eyes of the revenue officers. Sahuakars try to pay the Government as little income-tax as they can but in the case of the zamindars this is not possible. They cannot do any such thing. Rather it is the Government who try to squeeze out as much as they can from the zamindars. Moreover the rates of revenue are assessed at the time of settlement according to the rates of prices prevalent then. Sometimes it so happen that the prices go up but rates of land revenue remain as they are and in this way the Government suffers a good deal of loss. Again it so happens that the prices fall and the rates of land revenue remain stationary, and the zamindars have to pay to the Government exorbitantly. As such it is very necessary that the land revenue should be assessed according to the principles on which income-tax is assessed. In this way neither the Government will suffer nor the zamindars. In other countries everything is done to make the zamindars prosperous. For example in England, nearly 2 crores of pounds sterling are annually granted to help the agriculturists. In other countries also the agriculturists are helped. Nearly 88 per cent. of the income from agriculture is spent by those countries on the agriculturists. But in India not even one per cent. of the income from agriculture is spent on the zamindars. The little that is claimed to be done is only on paper and not in practice. In the zamindara conference held at Lyallpur my resolution was lent a whole hearted support and it was accepted by the conference and was sent to the Government to draw their attention to the necessity of charging land revenue in accordance with the principles on which income-tax is assessed. In addition at various times other meetings of zamindars have also drawn the attention of the Government to this necessity.

Then comes the case of riverain areas. These areas suffer heavily by floods. Often the crops are flooded and the zamindars do not get even a pice from them. The Government's practice with regard to realisation of land revenue from such zamindars is that it is charged for the time being but is remitted at the time when *dhalbachh* is given in Rabi. This system works hardship upon those zamindars. They have to borrow money to pay the Government dues for they do not get any income from the *sauni* crops for these crops are sown at the time of floods and often they are swept away by the river water.

Mr. President : The honourable member is irrelavent.

Chaudhri Muhammad Abdul Rahman Khan : I am trying to explain how the present system of assessment of land revenue is defective, and why it should be replaced by the method according to which income-tax is assessed. A zamindar who has to pay land revenue for a crop which has not grown is put to a great deal of trouble, inasmuch as he has to manage somehow to get money to pay the Government dues. (*Interruption*). No doubt the income of Government will become less but it will at the same time help the zamindars. The Government can make up their loss by reducing the salaries of their employees. At present the Government gives Rs. 5,000

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to each of their ministers. Their salaries can be reduced. (*Interruption*) The average income of an Indian is not more than 6 pice a day and to run their business such highly paid servants should not be kept. The Government expenses are too much as compared with the average income of Indians. These expenses should be reduced. Half of the present salaries given to the Honourable Ministers and other highly paid officers should be reduced.

The Secretary of State for India gets Rs. 32,000 a month. The viceroy and other officials in India also get very fat salaries. The British regard India as a golden sparrow, a sparrow which lays the golden eggs. In England people live very luxuriously and happily. But the inhabitants of this country which is considered the golden sparrow are indigent and wretched. They cannot even keep off starvation, and they have no cloth to cover their bodies. We are apparently hale and hearty. If we had any sense of shame, we should have died long ago. Our bondage and servitude has completely impaired our sensitiveness and sensibility. Although my honourable friend opposite thinks that I am well off, yet my property has been attached twice or thrice.

I would request that the officers should go to the villages and hold a darbar there. They should invite the villagers and have a personal talk with them. Thus they will be able to realize the actual condition of the zamindars. The toadies and sychophants will never tell the government the real condition of the people. The zamindars have no food and no home. If effective steps are not taken, the condition of the zamindars will not improve.

At the time of the last settlement the rates of grain were very high. But now there has been a drastic reduction in the rates. The land revenue charged is the same. The zamindars are unable to pay their land revenue at the proper time. Rich men in the cities keep four or five servants and yet lead very comfortable lives, but the zamindar finds it hard to keep even his body and soul together, although he works with his own hands. If the government will not pay sufficient sympathetic attention to this resolution, his condition will continue to remain the same. The zamindar pays every kind of tax; offers youngmen for the army; gives ghce, grain, chaff, fodder, bribes, and *begar* to government officials. He offers *pilau* and fowls to the thanedars. He has to pay so much. The result of so much burden on him is that he is reduced to a state of beggary. I do not want that the honourable members should simply vote for this resolution. Even if we pass the resolution, the governor may veto it. Therefore, it would be far better to do something solid to help the zamindars. I therefore request that a committee of a few capable members be formed, which should go into this question. The Honourable Revenue Member, and the Honourable Finance Member may be the members of that committee. They should discuss the question threadbare, and devise some scheme which may be helpful both to the zamindars and the government. In America and England the labourers get one pound per diem, but in India he gets 6 pice a day. Here one man earns and he has to support 15 men. The best thing for the government to do is to settle the question of hunger and starvation. When people feel extremely disgusted with themselves, they start some agitation or movement. All agitations are due to starvation. The great sage Hazrat Shaikh- Sa'di says that when a cat becomes helpless, it plucks out the eyes of its enemy. Similarly when the zamindar will get tired he will start some

agitation to kill himself or to kill somebody. In this way both the government and the zamindar will suffer, but if a scheme is devised both of them will be in peace and lead a peaceful life.

The zamindars are very fond of the government, and they like it much. Now they are criticising its policy. All this criticism may be very unpleasant but this alone will help the government. Unfortunately, the government only sides with time-servers and sychophants, but it does not take notice of the zamindars and does not value their friendship. If tomorrow this government is replaced by another government and there is chaos in the country, these very zamindars will give shelter to Europeans and their women. But at that time these people will betray the government and ask the officers of the new government to shoot us, because we have given shelter to Europeans. Thus we shall suffer in either case.

It is, therefore, the duty of the government to study for itself the actual condition of the zamindars by visiting the villages. In the days of flood they should go in aeroplanes to see the condition of the zamindars, as they go to see their enemies who are hidden in the hills. Their flour is bad; their grain is spoiled. The honourable members know nothing about these things. They come to Lahore to pass a few days comfortably: they go to the cinemas; they enjoy music through the gramophones, and enjoy soda water drinks. They make ducks and drakes of their money. I appeal to them that they should study the condition of the zamindars. If they do not deserve, they may not be given anything. If you are anxious to do something for them, you should form a committee. The officers should go to villages. They should not get information from such zamindars as bring rich ears of corn from the neighbouring villages to show that the wheat is very good. They deceive the officers, because they want *zaildary*. They should go from place to place and study things for themselves. In ilaqa bate an epidemic spread among the cattle, and nearly 60,000 died of the disease. How can these people pay the land revenue? The floods have ruined the crops. These members should be honest and fair with the zamindars. They will be accountable to God one day for their deeds. They should not try to do anything for the sake of getting votes but should honestly and sincerely try to help the zamindars who are the backbone of the country. The condition of the zamindars is so bad that a zamindar came to me and requested me to give him 10 maunds of seed and promised that he would pay me in return fifty maunds. I do not want to say anything more on this point. I would only request that a committee be formed to consider this question thoroughly and devise a scheme which may be helpful both to the zamindar and the government. If these poor zamindars are happy, they will pray for the long life and prosperity of the British rule in India. If the government wants to remain in this country for a long time, it should be very sympathetic to the zamindars and should adopt measures which should make it popular in this country. On the contrary, oppression and tyranny will not help the British to stay in this country for a long time.

With these words, I commend my resolution to the attention of the honourable members of this House.

Mr. President: Resolution moved—

This Council recommends to the Government to assess land revenue in accordance with the principles on which income-tax is assessed.

Sardar Sahib Sardar Ujjal Singh (Sikh Urban): It seem to me that the object of the resolution is to draw attention to the pitiable condition

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of zamindars, and to the necessity of reducing the burden of land revenue, on account of the drastic fall in prices. Besides, the honourable mover has the objective of bringing relief to petty zamindars who certainly require this relief very badly in these days. In respect to these objects I am in full sympathy with the honourable mover (*hear, hear*). When we come to discuss the real meaning of the resolution, we have to be a little cautious from the zamindar's point of view. The suggestion of assessing land revenue on the basis of income tax has been made very often from various platforms and by very responsible zamindars. I therefore like to discuss this question threadbare in order to see whether it is to the lasting benefit of the zamindars at all. There are three principles governing the Income Tax Act. The first is the exemption of income tax up to a certain amount from the income tax assessment. Now, if we apply that principle to the case of land, the first result would be immediate and heavy fall in the revenue of the provincial Government. We cannot exempt income in the case of land, we will have to exempt a certain minimum area. For instance, if we were to exempt 8 or 10 acres,—an area which will be hardly sufficient for the subsistence of a cultivator and the income from which will not come anywhere near one thousand rupees a year, we will be taking away practically half of the land revenue of the province. We know in fact that the average holding in this province is near about 8 or 10 acres. Another result would be the fragmentation of holding which is a very serious menace to this province. In fact the problem of consolidation of holdings is already taking up a good deal of time of the Co-operative Department. Our holdings have already become uneconomic and we have been trying to devise means to consolidate these small holdings. If we were to adopt this measure of exempting from the charge of land revenue, a certain area, the immediate result would be that holdings would be sub-divided in order to secure the benefit of exemption from the land revenue. This would, as I have already said, be disastrous to the province. Another result which will follow from the adoption of income tax principle would be that the burden of land revenue will be shifted on to the bigger zamindars.

Sayad Mubarak Ali Shah : How ?

Sardar Sahib Sardar Ujjal Singh : Because the principles of income tax assessments are that a man with certain minimum income is exempted and the person above that pays a certain rate and one having still higher income pays a higher rate. The rate of income tax varies from 6 pies to 4 annas and in some cases to 8 annas when a man is charged super-tax. The result would be that the burden of land revenue will be shifted from the smaller zamindars to the bigger zamindars. A big zamindar, even an average zamindar has to keep some agency to manage his land. We know generally that the income of the average zamindar who has got to employ some agency for the management of land does not come to the same amount as that of the zamindar who cultivates the land himself. So, the burden would be double on the big zamindars. He will have to pay higher land revenue and his income, as we know already, is comparatively small from his land than the income of a small zamindar who cultivates it himself.

The other principle of income-tax is that of progression. As I have said in the Income-Tax Act the rate varies from six pies to four annas and sometimes eight annas. And if progression is also applied in the case of land revenue, the bigger zamindars will have to pay much more than they

are paying at present. There is another idea of progression which should be borne in mind. The income-tax rate varies with the ability of the person who has to pay the tax. A man with a higher income is assessed a higher rate of income-tax because he has greater ability to pay than the man with a smaller income. But the principle of land revenue is different. It is not levied on the person. Land revenue is levied on the land. In that connection I would like to quote from the Report of the Indian Taxation Enquiry Committee who discuss this question in detail. In their Report the Committee state that the "Committee desire to emphasise the statement of Dr. Gregory that land revenue is essentially a tax on things and not on persons and as such it is not a tax to which the doctrine of progression can be applied."

Another principle of income-tax is that the assessable income is determined every year and the assessee has got to show his account books and his accounts at every assessment. He has got to submit to all the trouble and inconvenience of presenting his accounts to the income-tax officer and if accounts are not presented the assessee is liable to pay income-tax to any amount the income-tax officer might be pleased to assess. If the assessee does not submit a return and if he does not show his accounts, he is given no right of appeal against the assessment order. Another thing is that if the income-tax which is assessed by the income-tax officer in his arbitrary capacity is not paid within one month the amount can be doubled and the income-tax officer can order the assessee to pay double the amount within the next two months. This is a very serious trouble and any one who has any knowledge or experience of assessment of income-tax will be able to explain fully how the assessee is troubled and put to inconvenience. Nobody, I believe, wishes that the zamindars should be put to that discomfort and inconvenience. In fact there are very few zamindars even among the educated zamindars who keep any accounts of their income. And you can well imagine the trouble and the expense and the suffering to which all those zamindars will be put to for not having produced their account books or showing their accounts to the land revenue officers for purposes of land revenue assessment. As a matter of fact, till a few years back the cry has always been to fix the tenure of settlement to as long a period as possible. The zamindars would certainly prefer a permanent settlement, and if not permanent they would have the period increased from thirty to forty or fifty years. But if you follow the principle of income-tax you do away with all that and you will have a settlement every year. It seems to me that the real thing to secure is the lowering of the burden of land revenue on account of the fall in prices. If net assets at the time of settlement are determined in a fair manner, I do not think the zamindars will have any grievance. The chief grievance of the zamindars to my mind in these days is that the commutation prices are fixed at a very much higher rate than the prevailing prices. I know one settlement in Montgomery and I have heard of the settlement in Lyallpur. The prices fixed by the settlement officers are never likely to be reached within many years unless there is a war and the prices soar high. The result is that the net assets are assessed very high and the net assets are the basis on which land revenue is determined. Certainly it is a matter for some satisfaction that the Government realising the precipitous and drastic fall in prices has decided to give remissions in proportion to the difference in prevailing prices from the commutation prices. But that does not solve the real problem. That does not give

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the zamindar the same benefit that he will be entitled to or he would have got if the commutation prices were not fixed so high. If the commutation prices are fixed on the prevailing prices, then the net assets are very much reduced, but if the commutation prices are fixed very high you have to reduce or give remission of land revenue in proportion to the fall in prices. You do not take into consideration the cost of production which is the real crux of the problem. The cost of production remains almost stationary.

At the time of assessment if commutation prices are fixed, according to the prices prevailing at the time of settlement or within the last five years, the net assets are very much reduced. This is the real grievance of the zamindars and if the Government were to redress this, I am sure the cry about the application of the income tax principle will not be raised. I quite realise that the petty zamindar in these days requires great relief. But I think the Government can give the petty zamindar greater relief in the shape of providing greater facilities for education, for medical relief, and for communications, by which he might be able to cart his produce to the market at a much cheaper rate than he is doing at present. If the Government were to take these questions into serious consideration, I am confident that the cry of the principle of income-tax will not be raised because there are difficulties which the zamindars at present do not realise. Because they have not been assessed to income-tax they are not used to the methods of the income-tax officers, they are not used to the inconvenience and difficulties to which the assesseees of income-tax are put. I have submitted these observations not in any spirit of opposition to the resolution but with a view to giving the right advice on such an important matter to the brother zamindars. (*Cheers*).

Professor W. Roberts (Non-official, nominated) : I wish to oppose this resolution not because I disagree with the political or moral grounds for it but because I think it is economically unsound. Those of us who are connected with agriculture know that there is an optimum area for a plough or a pair of bullocks, and there is an optimum area also which will allow a farmer to invest in improved implements. In irrigated tracts this area for a pair of bullocks varies between ten and twelve and a half acres. The average holding in the province is a figure a good deal less than my honourable friend Sardar Ujjal Singh mentioned just now. It is a very small figure, a figure which will probably surprise many honourable members of the House. If, therefore, you introduce a system of taxation which tends to make, say a square of land, or 25 acres, to be divided into five portions of five acres, you are compelling or tending to compel the people who have that land to keep a pair of bullocks, to purchase suitable implements for an area which is not sufficient for the purpose. Therefore, the produce of your agriculture will go down. The tendency therefore of this step will be, not to make infinitely small holdings, but to reduce the productivity of the land, and therefore to destroy the source of taxation. By this measure you contemplate something which will kill the goose which lays the golden egg. I suggest that you should devise some method which would tend to increase the productivity of the province. Surely we can devise plenty of methods of getting the money from the people later if we want it for general improvement and so on. (*Cheers*).

The Council then adjourned till 2 P.M., on Monday, 11th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 11th November, 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

EXECUTION OF DECREES.

*4887. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Finance Member kindly state—

- (a) whether his attention has been invited to a recent judgment of the High Court, reported at pages 629-30 of 37 Punjab Law Report 1935, in which it has been held that the entire holding of a judgment-debtor is liable to be given in *mustajiri* in satisfaction of a decree ;
- (b) whether in view of the fact that after the long vacation decree-holders are bound to apply for a farm of the entire holdings of judgment-debtors, the Government is prepared to suspend, until the Punjab Debtors' Protection Bill is passed and enforced, the execution of decrees in this manner ?

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

(b) The Government are unaware of any provision of law which empowers them to act as suggested.

CONFESSION OF SHER ALI AGAINST MUGHLA IN THE MURDER CASE OF SUB-INSPECTOR MUNSHI ABDULLAH KHAN.

*4888. **Rao Bahadur Chaudhri Chhotu Ram** : Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that one Sher Ali made a long confessional statement in the murder case against the notorious Mughla of Rohtak district in respect of the murder of sub-inspector Munshi Abdullah Khan and the statement was duly recorded by a magistrate of the first class before the case was placed in a court of law ;
- (b) if the answer to (a) be in the affirmative, whether this statement was kept by the recording magistrate himself, or was sent to the magistrate who was to commence commitment proceedings or was handed over to the police ;
- (c) if the statement was handed over to the police, whether it is still in the custody of the police or was placed on the judicial record at any time, and if it has not been placed on the judicial record, whether Government is prepared to direct it to be placed on the judicial record of the case now ; if not, why not ;
- (d) whether the confessional statement referred to in (a) has ever come to the notice of the District Magistrate or the Government ?

The Honourable Mr. D. J. Boyd : (a) No confessional statement was made by Sher Ali before a magistrate.

(b), (c) and (d) Do not arise.

RAINFALL IN ROHTAK DISTRICT.

***4889. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly state the average rainfall during the last five years of the various reporting stations in the Rohtak district between the 1st June and the 15th September and the actual rainfall during the same period this year?

The Honourable Nawab Muzaffar Khan : A statement containing the required information is laid on the table.

Statement showing the average rainfall during the last 5 years (1930 to 1934) of the various reporting stations in the Rohtak district between the 1st June and the 15th September and the actual rainfall during the same period in 1935.

Serial No.	Rain Gauge Stations.	Average of last 5 years (1930 to 1934) between the 1st June and the 15th September.	Actuals from the 1st June, 1935, to the 15th September, 1935.
1	Rohtak	16.72	12.37
2	Gohana	16.68	16.73
3	Sampla	10.73	8.85
4	Jhajjar	15.57	12.67
5	Salhawas	10.38	9.53
6	Beri	12.51	4.31
7	Sonepat	15.82	12.46
8	Jua	18.52	22.75
9	Chhota Thana	17.37	19.73
10	Rindhana	15.24	14.00
11	Sailana	15.91	13.81
12	Butana	15.97	23.10
13	Saragthal	18.80	12.45
14	Sanghi	17.28	15.53
15	Rohtak	16.29	12.80
16	Lahli	13.23	13.92
17	Sampla	16.76	15.76

These stations lie within the canal irrigation boundary.

REPRESENTATION IN THE ROLLS OF ZILLADAR CANDIDATES.

***4890. Rao Bahadur Chhotu Ram :** Will the Honourable Revenue Member kindly lay on the table of the House all the instructions issued during the last four years by the Local Government or the Chief Engineers on the subject of communal and class proportions to be maintained by Superintending Engineers in submitting the rolls of zilladar candidates ?

The Honourable Nawab Muzaffar Khan : The attention of the honourable member is invited to the replies already given to his questions—

No. 1079¹ of 1932.

No. *3274² of 1934.

No. *3275² of 1934.

No. 1176³ of 1935.

No. 1177³ of 1935.

No. *4611⁴ of 1935.

OFFICE OF THE DIVISIONAL INSPECTOR OF SCHOOLS, AMBALA.

***4891. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Education be pleased to state—

- (a) what circumstances led the Government to transfer the office of the Divisional Inspector of Schools from Ambala city to Ambala cantonment ;
- (b) what amount the Government has to pay for—
- (i) the rent of the present building used as Inspector's office at cantonment ;
- (ii) the contingent charges for receiving salaries of the office establishment from the Ambala city treasury ;
- (iii) other cantonment charges ?

The Honourable Malik Sir Firoz Khan Noon : (a) The building at Ambala city used by the Inspector of Schools, Ambala division, as his office, was inadequate to provide accommodation for both the office and the Inspector's residence and, moreover, it was required for use as the office of the Inspectress of Schools, Eastern Circle, Ambala, and for the hostel and teachers' quarters of the Government High School for Girls, Ambala.

- (b) (i) Rs. 70-1-0 per mensem.
- (ii) Rs. 88-12-0 } for 1934-35.
- (iii) Rs. 75-12-0 }

METAL WORKS INSTITUTE AT AMBALA.

***4892. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) what circumstances and considerations led the Government to open the Metal Works Institute at Ambala city instead of at Jagadhri ;
- (b) whether the Government ever considered the town of Jagadhri for the location of the institute ;
- (c) if not, whether Government is now prepared to do so ?

¹ Volume XXI, page 34.
² Volume XXV, pages 29-30.

³ Volume XXVII, page 113.
⁴ Page 159 ante.

The Honourable Dr. Sir Gokul Chand Narang : (a) and (b) It was originally intended to open a Metal Works Institute at Jagadhri; but a committee of experts appointed to examine the question came to the conclusion that Jagadhri was not a suitable place for the establishment of such an Institute. The experts gave it as their opinion that the introduction of a highly developed mechanised industry on the lines of spinning, dye stamping or kindred operations, if introduced in a town of the size of Jagadhri, where the utensil making industry is chiefly in the hands of artisans, would result in debasing and eclipsing the existing thriving industry and finally in throwing out of employment the large number of people who are now employed in the industry. These considerations led Government to abandon Jagadhri as the station for the establishment of the Metal Works Institute and to open the same at Ambala.

(c) Does not arise.

BOARDING HOUSE OF GOVERNMENT HIGH SCHOOL FOR GIRLS, AMBALA.

***4893. Kanwar Mamraj Singh Chohan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the boarding house of Government High School for Girls at Ambala city is located in a Government building that was originally meant for the office of the Divisional Inspector of Schools, Ambala ;
- (b) whether he is aware that the said building is in a very close proximity of the Khalsa High School Boarding House ;
- (c) whether he is aware that the girls living in the abovementioned hostel have to pass a railway level crossing gate when going to and coming from their school and in so doing they not only run the risk of being run over by railway trains but have also very often to keep standing for considerable time at the railway crossing gate ;
- (d) whether he is aware that the girls living in the aforesaid hostel have, while going to and coming from their school, to pass by the road that leads from the city to the district courts and that particularly in winter season when the times for opening and closing the girls' school and the courts almost coincide, the young girls and mistresses have to encounter on the road a large crowd of people coming to or going from the offices and courts ;
- (e) whether it is a fact that in both summer and winter the timings for the opening and the closing of the girls' and boys' schools being almost coincident the young girls and teachers living in the said hostel have to walk along the same road for more than a quarter mile side by side with the grown up boarders of the Khalsa Boys' High School, while going to or coming from their schools ;
- (f) whether it is proposed to remove the girls' school hostel to some more suitable site ?

The Honourable Malik Sir Firz Khan Noon : The honourable member is referred to my answer to question No. *4590.¹

RETRENCHMENT OF CHAUKIDARS (BARKANDAZ) ON THE WESTERN
JUMNA CANAL.

***4894. Chaudhri Allah Dad Khan :** Will the Honourable Revenue Member please state—

- (a) whether he is aware that as many as 29 chaukidars (known as *barkandaz*) were retrenched in the Rohtak division of the Western Jamna canal during this year;
- (b) how many years' service each of the men had (i) in the Military Department, (ii) in the Canal Department, to his credit;
- (c) whether any compensation was paid to any of the men when they were retrenched?

The Honourable Nawab Muzaffar Khan : (a) No. The number of *barkandazes* served with notice in the Rohtak division was 5 only.

(b) The information desired is as follows:—

- (1) 8 and 11 years respectively.
- (2) 6 and 9 years.
- (3) Nil and 8 years.
- (4) 5 and 1 year.
- (5) 2½ and 2¼ years.

(c) No. The men being temporary were not entitled to any compensation but they have all been offered re-employment in the work-charged establishment.

Chaudhri Allah Dad Khan : In answer to part (a) the Honourable Member says "no." What does he mean by "no." Does he mean that these chaukidars were not dismissed?

The Honourable Nawab Muzaffar Khan : That their number was not 29.

Chaudhri Allah Dad Khan : What was it then?

The Honourable Nawab Muzaffar Khan : I have read out the answer.

Chaudhri Allah Dad Khan : Why could the number not be stated?

The Honourable Nawab Muzaffar Khan : My reply gives details of the whole question.

DEPUTY SUPERINTENDENT OF POLICE, AMBALA.

***4895. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member please state—

- (a) whether he is aware that the Deputy Superintendent of Police, Ambala, went on ten days' leave on the 18th August, 1935, and returned to duty on the 29th August, 1935 at 3 p.m. thus overstaying his leave;
- (b) whether he is aware that the overstay caused a lot of inconvenience to a number of persons who had cases with him and who had come from villages to see him?

The Honourable Mr. D. J. Boyd : (a) The Deputy Superintendent proceeded on casual leave on the afternoon of the 18th August and returned at 2 P. M. on the 29th August. His return from leave was a few hours late.

(b) No inconvenience was caused to any member of the public as no persons had been summoned to see him in connection with any case.

Chaudhri Allah Dad Khan : Is it not a rule that if a public servant is absent after 12 noon for a few hours he is considered to be absent for the whole day ?

The Honourable Mr. D. J. Boyd : I believe the answer is correct.

SMALL TOWN COMMITTEE, TOHANA.

*4896. **Lala Jyoti Prasad :** Will the Honourable Minister for Local Self-Government please state—

- (a) when the Tohana Notified Area in the Hissar district was declared a Small Town Committee ;
- (b) the annual income of the Small Town Committee since its inception ;
- (c) the amount spent yearly by the committee on education and the manner in which it was so spent ?

The Honourable Dr. Sir Gokul Chand Narang : (a) 5th February 1924.

(b) and (c) A statement giving the required information is laid on the table—

Statement.

Year.	Income.	EXPENDITURE ON EDUCATION.	
		Amount.	How spent.
	Rs. A. P.	Rs. A. P.	
1923-24	2,401 2 6	Nil.	..
1924-25	2,124 13 9	Nil.	..
1925-26	4,849 0 0	Nil.	..
1926-27	4,033 0 0	Nil.	..
1927-28	4,338 0 0	50 0 0	On establishment and contingencies.
1928-29	4,274 0 0	75 0 0	Ditto ditto.
1929-30	5,047 0 0	75 0 0	Ditto ditto.
1930-31	4,122 0 0	75 0 0	Ditto ditto.
1931-32	4,419 0 0	75 0 0	Ditto ditto.
1932-33	3,179 0 0	Nil.	..
1933-34	5,342 0 0	75 0 0	On establishment and contingencies.

SMALL TOWN COMMITTEE, TOHANA.

*4897. **Lala Jyoti Prasad**: Will the Honourable Minister for Local Self-Government kindly state—

- (a) the population of Tohana in the Hissar district, communitywise according to the census of 1921 and 1931, respectively;
- (b) the number of members of the Small Town Committee, Tohana, nominated as well as elected communitywise, after every general election since the Small Town Committee Act came into force there;
- (c) the voting strength of each community at the last election;
- (d) the amount of personal rate tax paid by each community yearly during the last ten years?

The Honourable Dr. Sir Gokul Chand Narang: A statement giving the required information is laid on the table.

(a)

Census.	Total population.	Hindus.	Christians.	Muslims.	Sikhs.
1921	6,613	2,956	64	3,363	230
1931	7,463	3,405	33	3,927	38

(b)

Year.	ELECTED.			NOMINATED.		
	Muslims.	Hindus.	Sikhs.	Muslims.	Hindus.	Sikhs.
1925	5	1	..	1	..	..
1928	4	2	..	1	..	..
1931	4	2	..	..	1	..
1934	4	2	..	1	..	..

(c)

<i>Muslims.</i>	<i>Hindus.</i>	<i>Sikhs.</i>
785	652	12

(d)

Year.	Muslims.		Hindus.		Sikhs.		Christians.	
	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.
1925-26	1,925	0 0	2,800	0 0	21	0 0	Nil.	
1926-27	1,489	0 0	2,271	0 0	39	0 0	3	0 0
1927-28	1,376	0 0	2,160	0 0	24	0 0	..	
1928-29	1,366	0 0	2,091	0 0	21	0 0	5	0 0
1929-30	1,675	12 0	2,568	8 0	39	4 0	6	4 0
1930-31	1,188	8 0	2,309	0 0	22	8 0	6	4 0
1931-32	1,444	0 0	2,462	1 0	21	4 0	6	4 0
1932-33	573	2 0	1,764	15 0	5	0 0	6	4 0
1933-34	1,747	8 0	2,487	8 0	33	12 0	2	8 0
1934-35	1,242	0 0	2,208	0 0	25	0 0	2	8 0

SMALL TOWN COMMITTEE, TOHANA.

***4898. Lala Jyoti Prasad :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the Hindus of Tohana in the Hissar district ever since 1927 have been submitting representations for so constituting the wards, as to secure the return of Hindus in the Small Town Committee in proportion to their population, their voting strength and the taxes paid by them ;
- (b) what steps, if any, Government proposes to take to ensure adequate representation of Hindus ?

The Honourable Dr. Sir Gokul Chand Narang : (a) and (b) Representations of the nature mentioned by the honourable member were made by certain Hindus in 1927 and 1929 and were inquired into. It was, however, found that the Hindus who are entitled to 3 seats have a majority of voters in 3 wards and hence there was no necessity for the reconstitution of the wards.

PROMOTION OF KANUNGOS TO NAIB-TAHSILDARSHIP.

***4899. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Revenue Member please state—

- (a) the number of kanungos who have been promoted to naib-tahsildarship or higher offices during the years 1895 to 1915, according to the provisions of paragraph 300 of the Land Administration Manual ;
- (b) the number of such kanungos out of these who originally started work as patwaris ;
- (c) the number of kanungos promoted from 1919 to 1935 ;
- (d) whether the number of persons promoted in the period mentioned in (c) has decreased than the number mentioned in (a) above ;
- (e) the number of sadr kanungos promoted to tahsildarship between the years (i) 1915 to 1925, and (ii) 1926 to 1935 ;
- (f) whether there is a decrease in the number mentioned in the latter period ;
- (g) if so, the reasons for such decrease ;
- (h) what the Government intends to do in the matter to redress the grievance of the sadr kanungos mentioned in (e) (ii) ?

The Honourable Nawab Muzaffar Khan : (a) 103.

(b) 34.

(c) 99.

(d) Yes.

(e) (i) 11.

(ii) 5.

(f) Yes.

(g) A sufficient number of experienced and efficient district kanungos was not forthcoming.

(h) In view of the orders already issued in paragraph 2 of Standing Order No. 12 no action is called for.

ADMISSION OF DEPRESSED CLASS STUDENTS TO THE CENTRAL TRAINING COLLEGE, LAHORE.

***4900. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) how many students belonging to the depressed classes have been admitted to the B. T. and S. A.-V. classes of the Central Training College, Lahore, during each of the last ten years ;
- (b) what special facilities are granted to the students belonging to the depressed classes who desire admission to the Central Training College ;
- (c) whether it is a fact that the depressed class students are charged tuition fees at half rates and whether the Government is in possession of information and facts to realize that even this is a heavy burden for this extremely poor class to bear ;
- (d) what Government intends to do in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

1926-27 to 1929-30 ..	..	..	..	None.
1930-31 ..	..	..	..	One.
1931-32 ..	..	..	..	None.
1932-33 ..	..	..	..	One.
1933-34 ..	..	..	..	None.
1934-35 ..	..	..	..	One.
1935-36 ..	..	..	..	Two.

(b) From 1934-35 two students are granted a stipend of Rs. 20 each per mensem. The non-stipendiary students get half fee concessions in tuition fee.

(c) Yes, but it is not true that in all cases the depressed class boys cannot bear even the half fee. There are plenty of other people who are as poor as the depressed classes and not within the pale of depressed classes.

(d) Does not arise in view of (b) above.

PRESIDENTS OF MUNICIPAL COMMITTEES.

***4901. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state which of the municipal committees in the province have a Muslim, Hindu or Sikh majority of members and which of them have a Muslim, Hindu, Sikh or official president ?

The Honourable Dr. Sir Gokul Chand Narang : A statement giving the required information is laid on the table—

Statement.

Serial No.	Name of Municipal Committee.	Whether Muslim, Hindu or Sikh majority of members.	Whether Muslim, Hindu, Sikh or Official President.	REMARKS.
1	2	3	4	5
1	Hissar	Hindu ..	Hindu.	
2	Hansi (a) .. ..	..	..	(a) Under suspension.
3	Bhiwani	Hindu ..	Hindu.	
4	Sira	Hindu ..	Hindu.	
5	Rohtak	Hindu ..	Hindu.	
6	Jhajjar	(b)	Muslim ..	(b) 5 Muslims, 5 Hindus.
7	Beri	Hindu ..	Official.	
8	Bahadurgarh	(c)	Muslim ..	(c) Hindus 4, Muslims 3, Official 1.
9	Gohana (d) .. ..	..	..	(d) Under suspension.
10	Sonepat	(e)	Official ..	(e) 3 Hindus, 3 Muslims.
11	Rewari	Hindu ..	Hindu.	
12	Firozpur-Jhirka	Hindu ..	Official.	
13	Hodal	Hindu ..	Hindu.	
14	Palwal	Hindu ..	Hindu.	
15	Ballabgarh	Hindu ..	Hindu.	
16	Faridabad	Hindu ..	Official.	
17	Karnal	Hindu ..	Muslim.	
18	Panipat	Muslim ..	Official.	
19	Kaithal	Hindu ..	Hindu.	
20	Thanesar	Hindu ..	Official.	
21	Shahabad .. ..	..	..	Under suspension.
22	Ambala city	Muslim ..	Muslim.	
23	Jagadbri	Hindu ..	Hindu.	
24	Rupar	Hindu ..	Official.	
25	Sadhsaura	Muslim ..	Hindu.	
26	Buris .. ..	..	..	Under suspension.

Serial No.	Name of Municipal Committee.	Whether Muslim, Hindu or Sikh majority of members.	Whether Muslim, Hindu, Sikh or Official President.	REMARKS.
1	2	3	4	5
27	Kalka	Hindu ..	Hindu.	
28	Sadr Bazar, Ambala ..	Hindu ..	Official.	
29	Simla	None (a) ..	Official ..	(a) Officials 4, appointed Muslim 1, others 2, Elected Hindus 3, Vacant 1.
30	Kasumpti (b) .. ..	.. ..	.. ..	(b) Deputy Commissioner, Simla, constitutes the whole committee.
31	Dharamsala	Hindu ..	Official.	
32	Hoshiarpur	(c)	Sikh ..	(c) Hindus 6, Muslims 6, Sikh 1.
33	Urmar-Tanda	Muslim ..	Muslim.	
34	Jullundur	Muslim ..	Muslim.	
35	Kartarpur	(d)	Sikh ..	(d) Hindus 3, Muslims 3, Sikhs 2.
36	Nakodar	Muslim ..	Muslim.	
37	Phillaur	Hindu ..	Hindu.	
38	Nurmahal	(e)	Hindu ..	(e) Hindus 4, Muslims 4.
39	Banga	Hindu ..	Hindu.	
40	Rahar	Muslim ..	Muslim.	
41	Ludhiana	Muslim ..	Muslim.	
42	Jagraon	Muslim ..	Official.	
43	Raikot	Muslim ..	Muslim.	
44	Khanna	Hindu ..	Hindu.	
45	Ferozepore	(f)	Hindu. ..	(f) Hindus 8, Muslims 10, Sikhs 2.
46	Fazilke	Hindu ..	Hindu.	
47	Muktsar	(g)	Sikh ..	(g) Hindus 3, Muslims 2, Sikhs 3.
48	Zira	(h)	Hindu ..	(h) Hindus 3, Muslims 3.
49	Moga	(i)	Official ..	(i) Hindus 5, Muslims 3, Sikhs 2.
50	Abohar	(j)	Hindu ..	(j) Hindus 4, Muslims 2, Sikhs 2.
51	Lahore	Muslim ..	Muslim.	

[Hon. Dr. Sir Gokul Chand Narang.]

Serial No.	Name of Municipal Committee.	Whether Muslim, Hindu or Sikh majority of members.	Whether Muslim, Hindu, Sikh or Official President.	REMARKS.
1	2	3	4	5
52	Kasur	Muslim ..	Muslim.	
53	Patti	Muslim ..	Official.	
54	Khem Karan ..	(a)	Official ..	(a) Muslims 3, Hindu 1, Sikhs 2.
55	Chunian	(b)	Official ..	(b) Muslims 6, Hindus 5, Sikh 1.
56	Baghbanpura ..	Muslim ..	Official.	
57	Amritsar	(c)	Sikh. ..	(c) Hindus 13, Muslims 13, Sikhs 4.
58	Tarn Taran ..	(d)	Sikh ..	(d) Hindus 3, Muslims 3, Sikhs 3.
59	Jandiala	(e)	Official ..	(e) Hindus 6, Muslims 3, Sikhs 3.
60	Gurdaspur	Hindu ..	Hindu.	
61	Dera Baba Nanak ..	Hindu ..	Hindu.	
62	Pathankot	Muslim ..	Hindu.	
63	Batala	Muslim ..	Muslim.	
64	Dalhousie	(f)	Official ..	(f) Christians 5, Hindus 4, Muslims 2.
65	Dinanagar	Hindu ..	Official.	
66	Sialkot	Muslim ..	Muslim.	
67	Pasrur	Muslim ..	Muslim.	
68	Narowal	Muslim ..	Sikh.	
69	Gujranwala	Muslim ..	Muslim.	
70	Eminabad	Muslim ..	Muslim.	
71	Wazirabad	Muslim ..	Muslim.	
72	Sheikhupura	Muslim ..	Sikh.	
73	Nankana Sahib ..	Hindu ..	Official.	
74	Sharsakpur	Muslim ..	Official.	
75	Gujrat	Muslim ..	Muslim.	
76	Jalalpur Jattan ..	Muslim ..	Muslim.	
77	Dinga	Muslim ..	Muslim.	
78	Kunjah	Muslim ..	Muslim.	

Serial No.	Name of Municipal Committee.	Whether Muslim, Hindu or Sikh majority of members.	Whether Muslim, Hindu, Sikh or Official President.	REMARKS.
1	2	3	4	5
79	Sargodha	Hindu ..	Sikh.	
80	Bhera	Muslim ..	Muslim.	
81	Miani	Muslim ..	Official.	
82	Khushab	Muslim ..	Official.	
83	Sahiwal	Muslim ..	Muslim.	
84	Phullarwan	Hindu ..	Hindu.	
85	Jhelum	Muslim ..	Muslim.	
86	Pind Dadan Khan	*	*	* Not settled yet.
87	Chakwal	Muslim ..	Official.	
88	Rawalpindi	(a)	Hindu ..	(a) Hindus 8, Sikhs 3, Muslims 9.
89	Murree	(b)	Official ..	(b) Hindus 2, Muslims 3, Sikhs 2, Christian 1.
90	Campbellpur	Hindu ..	Official.	
91	Hazro	Muslim ..	Official.	
92	Pindigheb	Muslim ..	Official.	
93	Mianwali	(c)	Official ..	(c) 4 Hindus, 5 Muslims, 1 official.
94	Bhakkar	(d)	Muslim ..	(d) Hindus 5, Muslims 5.
95	Isakhel	(e)	Official ..	(e) Muslims 3, Hindus 5, officials 3.
96	Kalabagh	(f)	Official ..	(f) Hindus 4, Muslims 4, officials 2.
97	Montgomery	Hindu ..	Hindu.	
98	Pakpattan	(g)	Official ..	(g) Equal number of Hindus and Muslims and 3 officials.
99	Okara	(h)	Official ..	(h) Hindu 1, Muslim 1, Sikh 1, Christian 1, officials 3.
100	Lyalpur	Hindu ..	Hindu.	
101	Chak Jhumra	Hindu ..	Hindu.	
102	Kamatia	Hindu ..	Official.	
103	Gojra	Hindu ..	Muslim.	
104	Jaranwala	Hindu ..	Sikh.	
105	Jhang-cum-Maghiana	(i)	Hindu ..	(i) Muslims 10, Hindus 10.

[Hon. Dr. Sir Gokul Chand Narang.]

Serial No.	Name of Municipal Committee.	Whether Muslim, Hindu or Sikh majority of members.	Whether Muslim, Hindu, Sikh or Official President.	REMARKS.
1	2	3	4	5
106	Chiniot	Muslim ..	Official.	
107	Multan	(a)	Muslim ..	(a) Muslims 14, Hindus 13, official 1.
108	Shujabad	Hindu ..	Hindu.	
109	Khanewal	(b)	Official ..	(b) Muslims 4, Hindus 4, Sikh 1, others 1.
110	Mian Channun	(c)	Official ..	(c) Hindus 3, Muslims 2, Sikh 1, officials 2.
111	Muzaffargarh	Hindu ..	Hindu.	
112	Alipur	Hindu ..	Hindu.	
113	Khengarh	Hindu ..	Hindu.	
114	Leiah	(d)	Hindu ..	(d) Equal number of the two communities.
115	Karor .. ..	..	..	Superseded.
116	Dera Ghazi Khan	(e)	Muslim ..	(e) Muslims 9, Hindus 8, others 1.
117	Jampur	Muslim ..	Official.	
118	Dajal	(f)	Hindu ..	(f) Muslims 6, Hindus 5, Sikh 1.
119	Rajanpur	(g)	Official ..	(g) Muslims 4, Hindus 3, European 1.
120	Mithankot	Muslim ..	Official.	

PRESIDENTS AND VICE-PRESIDENTS OF MUNICIPAL COMMITTEES..

*4902. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Local Self-Government please state if according to official information received by him any of the municipal committees in the province have developed the convention of electing its president and vice-presidents communitywise by rotation, that is for one term electing a Muslim and for the other a Hindu or a Sikh ; if so, their names ?

The Honourable Dr. Sir Gokul Chand Narang : No such information has yet been received officially, but two municipal committees are reported to have adopted the convention.

NUMBER OF TOBACCO VEND LICENCES.

***4903. Shrimati Lekhwati Jain :** Will the Honourable Finance Member please state the total number of tobacco vend licences in each of the districts of the Punjab.

The Honourable Mr. D. J. Boyd : A list showing the number of tobacco vend licences in each district of the Punjab by the middle of October, 1935, is laid on the table.

List showing the number of Tobacco Vend Licences in each of the districts, of the Punjab by the middle of October, 1935.

Districts.	Number of Tobacco vend licences.	District.	Number of Tobacco vend licences.
Hissar	516	Gujrat	480
Rohtak	472	Shahpur	590
Gurgaon	560	Jhelum	209
Karnal	1,500	Rawalpindi	860
Ambala	1,007	Attock	550
Simla	466	Mianwali	161
Total	4,521	Total	2,850
Kangra	210	Montgomery	370
Hoshiarpur	653	Lyallpur	735
Jullundur	1,290	Jhang	439
Ludhiana	890	Multan	1,172
Ferozepore	1,040	Muzaffargarh	410
Total	4,083	Dera Ghazi Khan	320
Lahore	2,845	Total	3,446
Amritsar	920	GRAND TOTAL	21,053
Gurdaspur	622		
Sialkot	741		
Gujranwala	735		
Sheikhpura	290		
Total	6,153		

REPRESENTATION ON LOCAL BODIES AND PUNJAB LEGISLATIVE ASSEMBLY
ACCORDING TO TAX PAYING CAPACITY OF COMMUNITIES.

***4904. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

(a) if he has received any resolutions which the municipalities in the Punjab have passed in favour of the formula of representation on local bodies and the Punjab Legislative Assembly according to the tax-paying capacity of communities; if so, the names of such committees;

(b) in cases where the formula has been rejected, the names of those committees?

The Honourable Dr. Sir Gokul Chand Narang : (a) and (b) No resolution has so far been received from any local body in favour of, or against, the proposal.

MONOPOLY FOR PLYING MOTOR LORRIES.

***4905. Shrimati Lekhwati Jain :** Will the Honourable Revenue Member please state—

- (a) which of the transport companies or individuals have the sole monopoly for lorry, motor or bus traffic and over which roads in the Punjab respectively ; for how long they have been enjoying this privilege ;
- (b) the rates per mile charged by these companies respectively ;
- (c) the prevailing rates per mile on other roads in the corresponding area, district or locality ;
- (d) what Government intends to do in the matter of levelling down the rates charged by such monopoly holders to bring about uniformity ?

The Honourable Nawab Muzaffar Khan : (a)—(c) A statement is appended containing the required information.

(d) District Magistrates are empowered by rule 59 of the Punjab Motor Vehicles Rules, 1931, to fix maximum fares for public motor vehicles. Government are not intending to take any special action in the matter.

Statement.

Districts.	Road over which the monopoly is held.	Name of company or individual holding the monopoly.	Period for which the monopoly has been held.	Rates charged (per passenger per mile).	Prevalling rate (per passenger per mile) on other roads in the same area.
1	2	3	4	5	6
Rohtak	Gohans-Sonepat ..	Haryana Transport Company, Rohtak.	Since 14th May, 1935 ..	Six pies	Four or five pies on roads in the Rohtak district.
Do.	Kharkhanda-Ferozepore Road.	Ditto	Ditto ..	Ditto	..
Do.	Jhajjar-Koali ..	Ikram Khan of Jhajjar	25th July, 1935 ..	Ditto	..
Do.	Jhajjar-Rewari ..	Ashraf Ali Khan of Jhajjar.	14th May, 1935 ..	Ditto.	..
Do.	Rohad-Badli and Nejafgarh Road.	Parsi Lal ..	Ditto	Ditto.	..
Do.	Portion of Beri Mehru road from its crossing Rohtak Bhiwani Road to Kahnaur village.	Mohammad Khan of Kahnaur.	1st May, 1935 ..	Ditto.	..
Hoshiarpur	Hoshiarpur-Bharwein via Daulapour, Una Gaget, Gagret-Jawar. ..	Messrs. Sarin and Sons, Hoshiarpur.	8th February, 1934 ..	One anna	Four to six pies on plain roads in Hoshiarpur district.
Do.	Garhshankar-Nurpur Jajjon-Santokhgarh.	Munshi Labhu Ram, Hoshiarpur.	18th January, 1931 ..	Ditto.	..
Do.	Una-Gusar Nangal ..	Sardar Sojan Singh, Hoshiarpur.	22nd February, 1934 ..	Ditto.	..
Do.	Garhshankar-Santogarb	Ram Bahadur Singh of Garhi Mansawal.	12th January, 1935 ..	Ditto.	..
Do.	Balsamur-Nurpur ..	Chaudhri Mehndi Khan of Garhshankar.	1st March, 1933 ..	Ditto.	..
Do.	..	..	8th December, 1934 ..	Ditto.	..
Do.	..	..	24th May, 1935 ..	Ditto.	..

[Hon. Nawab Muzaffar Khan.]

Statement—continued.

Districts.	Road over which the monopoly is held.	Name of company or individual holding the monopoly.	Period for which the monopoly has been held.	Rates charged (per passenger per mile).	Prevailing rate (per passenger per mile) on other roads in the same area.
1	2	3	4	5	6
Hoshiarpur ..	Una-Pirnagah ..	Una Jahu Motor Service	Since 1933 ..	Nine pice.	One anna.
Kangra ..	Ranital-Jowala m u k h i Naduan-Hamirpar.	Jowalaji Motor Service ..	For last 5 years ..	One anna ..	..
Do. ..	Ranital-Dehra-Bharwani ..	Sarins and Sons ..	Ditto ..	Nine pice.	..
Amritsar ..	Amritsar-Mehta ..	Hari Singh, son of Nerrain Singh, Jai of Udhanogal.	1st April, 1935 ..	Five pice.	..
Do. ..	Kathunangal-Chawinda Devi.	Gurdit Singh, son of Pohna Singh, Khatri, of Amritsar.	Ditto ..	The monopolist is not allowed to charge fares exceeding the railway fare by more than 25 per cent.	..
Do. ..	Amritsar-Chowgawan ..	Tara Singh, son of Bhagat Singh, Jai of Baohiwind.	Ditto ..	Five pice.	..
Do. ..	Amritsar-Chabbal ..	Teja Singh, son of Sursain Singh, of Panjwar.	Ditto ..	Ditto ..	..
Gujrat ..	Gujrat-Kotla ..	Fazal Ilahi ..	15th April, 1933 to 15th April, 1936.	Nine pice ..	The only road on which lorry traffic is allowed is the Grand Trunk Road. The rates charged correspond to the railway fares.
Do. ..	Gujrat-Awan Sharif ..	Berkat Ali ..	15th April 1933 to 15th April 1936.	Six and a half pice ..	..

Do.	Mandi-Behauddin-Pindia-Qadabed.	Metab Singh and Mehar Singh, Mehar Singh.	15th April, 1933 to 4th November, 1934.	Five pice.	..
Do.	Mandi Behauddin-Kuthala Shaikhan, Qadabed.	Gian Singh	1st December, 1934 to 30th November, 1935.	Five pice.	..
Jhelum	Taraki Domeli	Bhai Harnam Singh of Domeli.	1st January, 1935 to 31st December, 1935.	Six pice.	..
Do.	Dina Padhari	Bhai Labh Singh of Phulre Saryedan.	For one year	No mileage rates have been fixed. Fares are charged for the whole journey.	Where the lorry owners are in competition with the Railway, they charge fares equal to the 3rd class railway fare.
Do.	Jhelum Jalapur	Bhai Labh Singh of Phulre Saryedan.	Ditto	Ditto	ditto.
Do.	Chakwal Ruywal	Lala Diwan Chand of Pindi Saidpur.	Ditto	Ditto	ditto.
Do.	Bham Nurpur	Lala Bhagat Ram of Chakwal.	Ditto	Ditto	ditto.
Do.	Durdial Naugwal	Bhai Walwant Singh Mahan Singh of Bhanur.	Ditto	Ditto	ditto.
Do.	Chakwal Nila	Lala Bhagat Ram of Chakwal.	Ditto	Ditto	ditto.
Do.	Jalapur Pind Dadan Khan.	Mst. Sundar Devi, Jawala Singh of Nila.	Ditto	Ditto	ditto.
Do.	Pindi Dadan Khan, Khewra, Chao Saideen Shah, Kallar Kahar, Dalwal, Becharak.	Lala Diwan Chand of Pindi Saidpur.	Ditto	Ditto	ditto.
Do.	Chakwal Mandra to Tahsil boundary.	Lala Ram Antar of Khewra.	Ditto	Ditto	ditto.
Do.	Chakwal Choa Saideen Shah.	Sedhi Jagat Singh, Contractor, Rawalpindi.	Ditto	Ditto	ditto.
Do.		M. Niaz Ali-Fazal Khan of Khana Boki.	Ditto	Ditto	ditto.

[Hon. Nawab Muzaffar Khan.]

Statement—concluded.

Districts.	Road over which the monopoly is held.	Name of company or individual holding the monopoly.	Period for which the monopoly has been held.	Rates charged (per passenger per mile).	Prevailing rate (per passenger per mile) on other roads in the same area.
1	2	3	4	5	6
Rawalpindi ..	G. T. Sihala-Kahuta .. Rewat-Mankiala-Kallar Mandra-Kallar, Kahuta- Chaukpondori-Mandra.	Jubilee Motor Transport Company.	1st April, 1935 to 31st March, 1936.	Six pies for metalled and 9 pies for unmetalled roads.	Same rates as in the preceding column.
Do. ..	Rewat-Dera Khalsa ..	Mohammed Usaf Khan	Ditto ditto ..	Ditto ditto.	
Do. ..	Rewat-Bassali ..	Sardar Jodh Singh ..	Ditto ditto	Ditto	
Do. ..	Rawalpindi-Maira Lubani-Sagri. }	Mian Abdul Khaliq and S. Mohammed Shah. }	1st April, 1934 to 31st March, 1937.	Ditto ditto.	
Do. ..	Mandra-Sukho }	Ram Lal Mangal Singh }	1st April, 1935 to 31st March, 1936.	Ditto ditto.	
Do. ..	Sukho-Gujar Khan }	Jagat Singh Sethi }	1st April, 1935 to 31st March, 1939.	Ditto ditto.	
Do. ..	Mandra-Chakwal	Star Motor Service	1st April, 1934 to 31st March, 1936.	Ditto ditto.	
Do. ..	Mandra-Seyyad }	Sohan Singh Gurbachan Singh. }	Ditto ditto ..	Ditto ditto.	
Do. ..	Mandra-Daulstana- Narali. }	Sohan Singh Gurbachan Singh. }	Ditto ditto ..	Ditto ditto.	
Do. ..	Missa-Kuntrilla ..		1st April, 1935 to 31st March, 1936.	Ditto ditto.	

..	Misra-Narali ..	Sewa Singh ..	Ditto	ditto.	Ditto	ditto.
Do.	Gujar Khan-Bewal ..	Bh. Kahn Singh ..	1st November, 1933 to 31st March, 1937.	ditto.	Ditto	ditto.
Do.	Rawat-Takhtpuri ..	Karam Singh ..	1st April, 1934 to 31st March, 1936.	ditto.	Ditto	ditto.
Do.	Rawat-Banda-Adhwal .. Chaurwa.	R. Ishanded Khan ..	1st April, 1934 to 31st March, 1936.	ditto.	Ditto	ditto.
Attock	Pindigheb-Khaur ..	M. Fateh Khan of Khaur ..	1 year.	..	..	..
Do.	Hasanbhai-Fatehjang to Chakri etc Gali Majra had.	Sant Singh-Mohan Singh of Talabajar.	Ditto	..	..	..
Do.	Pind Sultan-Thatta Nara.	Lala Kider Nath, Jagi, of Pindigheb.	Ditto.	..	..	..
Do.	Rawat-Banda-Adhwal ..	Raja Jahan Dad Khan of of Jhate.	Ditto	..	..	..
Do.	Rawalpindi-Chakri Talangang.	S. Muhammad Shah Abdul Khaliq.	3 years.	..	..	..
Do.	Dhurnal-Dhadhumber etc Gandakasa.	B. Sunder Das of Rawalpindi.	3 years.	..	..	..
Do.	Chaurwa-Dhalla ..	Amar Nath Issar and Company, Rawalpindi.	5 years	..	..	..
Do.	Inra Talang Chaji Jabba.	Lala Fateh Chand, contractor of Pindigheb.	5 years	..	..	..

On metalled roads :—
(i) Six pice for a seat in the lorry.

(ii) Nine pice for a seat in the car.

On katcha roads :—
(i) Nine pice for a seat in the lorry.

(ii) One anna for a seat in the car.

On metalled roads :—
(i) Six pice per passenger per mile for a lorry.

(ii) Nine pice per passenger per mile for a car.

On katcha roads :—
(i) Nine pice per passenger per mile for a lorry.

(ii) One anna per passenger per mile for a car.

ASSESSMENT OF PROFESSIONAL TAX BY THE DISTRICT BOARD,
FEROZEPURE.

***4906. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that there is a municipal committee in Zira, district Ferozepore ;
- (b) whether it is a fact that the professional tax assessed by the district board authorities of the Ferozepore district is being charged from a considerable number of non-agriculturists residing within the Zira municipal limits and doing money-lending business there ;
- (c) whether it is a fact that the assessee filed objections against such assessments to the authorities, who rejected the petitions arbitrarily without summoning the petitioners ;
- (d) whether it is a fact that this practice of assessment has continued for the last three or four years ;
- (e) if so, what action the Government proposes to take in this connection ?

The Honourable Dr. Sir Gokul Chand Narang : The answer to the question is not yet ready.

RECRUITMENT OF POLICE CONSTABLES.

***4907. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Finance Member be pleased to state—

- (a) the total number of police constables in the Punjab Police, including those employed on railway duty ;
- (b) the number of police constables belonging to each community, namely, Muhammadans, Hindus and Sikhs ;
- (c) what steps the Government proposes to take to make up the deficiency of the Hindus in the constabulary of the province ?

The Honourable Mr. D. J. Boyd : (a) and (b) These figures will be found in the consolidated statement showing the proportionate representation of the various communities serving in the several departments of the Punjab Government.

(c) Reference is invited to the reply given to another recent question No. *4662.¹

RECRUITMENT OF DEPRESSED CLASSES TO THE POLICE FORCE.

***4908. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Finance Member be pleased to state—

- (a) the number of persons belonging to scheduled (depressed) classes in the police department ;
- (b) the reasons for not recruiting members of depressed classes to the police force in spite of the provisions of section 96 of the Government of India Act, 1919 ?

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

(b) Does not arise.

SCHOLARSHIPS AND REMISSION OF FEES TO STUDENTS OF DEPRESSED CLASSES.

***4909. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister for Education please state—

- (a) what special concessions, if any, in the award of scholarships or remission of fees are given to the students of the scheduled (depressed) castes ;
- (b) in view of the backwardness of these classes in education and the desirability of spreading of education amongst them, what steps, if any, the Government proposes to increase these facilities ?

The Honourable Malik Sir Firoz Khan Noon : (a) The attention of the honourable member is invited to the proceedings of the Punjab Government (Ministry of Education) in the Education Department No. 20181-G., dated the 19th November, 1929, with which stipends and fee concessions were sanctioned for the children of the depressed classes for the education in schools and colleges. Besides this two stipends of Rs. 20 per mensem each, tenable at the Central Training College, Lahore, were sanctioned in 1934-35.

(b) Does not arise.

SCHOLARSHIPS TO STUDENTS OF DEPRESSED CLASSES IN CENTRAL TRAINING COLLEGE.

***4910. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that no student of the depressed classes has been given a scholarship in the Central Training College ;
- (b) whether he proposes to award special scholarships to depressed class students who may occasionally gain admission into the Central Training College, in view of the urgent necessity of providing teachers from these classes ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. Two stipends for the members of the depressed classes are available at the Central Training College each year though only one was claimed and awarded in 1934-35.

(b) Does not arise.

***4911. Cancelled.**

RETRENCHMENT OF HINDUS IN MUNICIPAL COMMITTEE, PANIPAT.

***4912. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that on the 24th January, 1935, certain senior Hindu employees of the Panipat Municipal Committee were retrenched; if so, how many, and their names, with reasons for their being retrenched;
- (b) how many officers junior to those retrenched are still in the service of the committee?

The Honourable Dr. Sir Gokul Chand Narang : (a) Three Hindu employees, not being in inferior service, were retrenched. Their names are Shiv Lal, Hukam Chand and Data Ram. Shiv Lal has, however, since been reinstated. These reductions are reported to have been made for reasons of economy.

(b) No man, junior to Data Ram, has been retained in service. There are three men, junior to Hukam Chand, who are still in the service of the committee. It is reported that the post of assistant accountant, held by Hukam Chand, was abolished and that instructions have been issued to re-employ him when the next vacancy occurs.

**APPOINTMENT OF HEADMASTER IN MUNICIPAL BOARD SCHOOL,
PANIPAT.**

***4913. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government please state—

- (a) who was second master in the Municipal Board High School Panipat, when the previous headmaster Mr. Zafar Ali retired;
- (b) who was appointed as headmaster in the place of the retiring headmaster mentioned in (a) and what was his position in the school at the time of his appointment;
- (c) the academic and educational qualifications of the aforesaid second master and the gentleman appointed as headmaster and the length of service in the school of both of them;
- (d) if the second master was superior and senior to the gentleman appointed as headmaster, why he has thus been superseded by a junior;
- (e) the number of Hindu and Muhammadan teachers in the Municipal Board High School, Panipat?

The Honourable Dr. Sir Gokul Chand Narang : (a) The school maintained by the Municipal Committee of Panipat is not a high school, but a middle school. Pandit Vishweshwar Sharma was the second master in this school when M. Zafar Ali retired from the post of headmaster.

(b) M. Nazir Hussain, third master of the school, was appointed as headmaster, when M. Zafar Ali retired.

(c) M. Nazir Hussain is a B.A., B.T., and has 20 years of service with the municipality, while Pandit Vishweshwar Sharma is M.A., S.A.-V., L.T., and has put in only 8 years' service with the municipality.

(d) The second master was no doubt in a senior post, but his work had been reported to be unsatisfactory for two successive years. He was, therefore, not appointed as headmaster.

(e) 3 Hindus and 9 Muhammadans.

MAL-ADMINISTRATION IN MUNICIPAL COMMITTEE, PANIPAT.

*4914. **Shrimati Lekhwati Jain** : Will the Honourable Minister for Local Self-Government please state—

(a) whether it is a fact that more than 2,000 Hindus of Panipat submitted a memorial to the Deputy Commissioner, Karnal, and the Government making various allegations against the mal-administration of the Municipal Committee, Panipat ;

(b) if so, what these allegations are and whether the Government is prepared to enquire into their veracity ;

(c) if so, when, if not, why not ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes. The original petition which was addressed to Deputy Commissioner is said to have been signed by about a thousand Hindus.

(b) and (c) A statement showing the allegations is laid on the table. An enquiry was started in February last and is still going on.

Statement showing the allegations of the Hindus of Panipat and the report of the local officers thereon.

<i>Serial No.</i>	<i>Allegations.</i>
1.	Hindus are being eliminated from the municipal services for the last 10 years.
2.	Hindus appear to complain that they are not adequately represented on the committee.
3.	Hindus contribute 4/5ths of the committee's revenues but 9/10ths is spent on Muslims.
4.	Terminal tax schedule has been prepared in such a way that the burden of tax falls upon the Hindus.
5.	Encroachments on the municipal property by the Muslims are being overlooked.
6.	A Muslim teacher (3rd master) was promoted to headmastership in succession to a Hindu second master.
7.	Roads are in a deplorable condition. Provision is made in the budget but they are not repaired.
8.	Building regulations are not observed.
9.	The municipal administration is top heavy (60 per cent. of the income is spent on salaries) and <i>muharrirs</i> are corrupt.
10.	Kh. Amir Ahmad, the Secretary, was first dismissed for misconduct and again re-employed. He got more pay than that sanctioned by the committee.
11.	Two serious cases of embezzlement of terminal tax were ignored because Muslims were involved.
12.	The committee is reluctant to levy house tax because Muslims will have to pay larger tax than the Hindus.

BRIDGE OVER RAILWAY PREMISES, SIALKOT.

*4915. **Maulvi Mazhar Ali Azhar** : Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the North-Western Railway authorities have constructed a wall about 9 feet high along the Sialkot station, extending over a distance of about one mile ;

[M. Mazhar Ali Azhar.]

- (b) whether it is a fact that there exists an old road near the railway station premises which has been blocked by the railway and no level crossing or bridge is constructed to allow people to cross the railway line ;
- (c) whether it is a fact that people on both sides of the railway line have to travel long distances before they can reach their destinations on the other side ;
- (d) whether it is a fact that on the northern side of the railway line population is rapidly extending and the Sialkot Municipality has recently approved of a town-planning scheme in which three roads have been planned ;
- (e) whether it is a fact that both the Municipality and the District authorities are agreed on the necessity of the construction of the over-bridge ;
- (f) whether any representations have been received by the Government for the construction of the bridge ;
- (g) whether any action has been taken by the Government, if so, what ?

The Honourable Malik Sir Firoz Khan Noon : (a) The honourable member's attention is invited to the answer given to Mr. Muhammad Din Malak in reply to his question No. *4824¹.

(b) No road has been blocked by the North -Western Railway. Trespass on the railway land has of course been prevented. Level crossings exist on either end of the railway yard.

(c) The detour is about half a mile.

(d) Yes.

(e) Yes.

(f) Yes, only from the Anjuman-i-Kashtkaran, and from the inhabitants of the villages in the suburb of Sialkot City.

(g) Government has taken no action in the matter as the subject is yet under correspondence between the Municipal Committee, Sialkot, and the railway authorities.

POSSESSION OF KIRPANS.

*4916. **Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that the Sikhs held a largely attended *dewan* at Amritsar for the expression of their resentment against the order of the Punjab Government to arrest Sikhs who were in possession of more than one kirpan ; if so, the date of the *dewan* in question ;
- (b) whether Government was informed that at the time of the above-mentioned *dewan* a large crowd of Sikhs armed with kirpans paraded the bazars, brandishing their kirpans, manifesting open, provocative, and challenging defiance against Government rules regarding possession of kirpan ;

(c) if so, whether—

- (i) these persons were declared as members of an unlawful assembly ;
 - (ii) against this attitude of the Sikhs, Government received any resenting representation from the Muslims ;
 - (iii) the Government took any steps to arrest the persons guilty of this illegal conduct ; if not, why not ;
- (d) whether it is a fact that unarmed *jathas* of five or more Muslims trying to proceed to Shahid Ganj mosque were prevented from doing so, even at the point of bayonet during the Shahid Ganj disturbances ?

The Honourable Mr. D. J. Boyd : (a) Yes, on the 23rd of August.

(b) Government received information of a procession of Sikhs, many of them carrying more than one *kirpan*, having taken place in Amritsar on the 25th of August.

(c) (i), (ii) and (iii) No.

The findings of the courts on the question, whether the carrying of more than one *kirpan* by a Sikh was an offence against the Indian Arms Act, were conflicting.

(d) It is presumed that the honourable member refers to the attempts which were made on the 22nd July and subsequent days by groups of Muslims to enter the Landa Bazar in defiance of an order under section 144, Criminal Procedure Code, passed by the District Magistrate, Lahore. These attempts were prevented by the use of the minimum amount of force judged to be necessary. It was not found necessary to use bayonets as suggested by the honourable member.

POSSESSION OF KIRPANS.

***4917. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that the Punjab Government on receipt of a representation made to it by the Sikhs allowed them the free possession of kirpans ;
- (b) whether it is a fact that a number of lives of non-Sikhs were lost for having no means of security against attacks by kirpans ;
- (c) whether the Muslims made any representation on religious grounds for restoration to them of the Shahid Ganj mosque and that in case it was not possible to do so at least for its retention as such ;
- (d) if so, whether it was not represented to the Government that the retention of a mosque as a mosque was regarded by Muslim as sacred as the possession of a kirpan by the Sikhs ;
- (e) whether the Government consulted any religious head of any Muslim sect in the matter of Shahid Ganj mosque ; if so, whom ; if not, why not ?

The Honourable Mr. D. J. Boyd : (a) The rule relating to the possession and carriage of kirpans by Sikhs is contained at item (vi) of entry 3 of the second schedule to the Indian Arms Rules, 1924. This entry was first introduced into the rules in 1914. A copy of a press *communiqué* issued by the Punjab Government at the time is laid on the table.

(b) It is a fact that since 1914 numerous murders have been committed in which the weapon used was a kirpan.

(c), (d) and (e) As civil suits for the restoration of the Shahid Ganj mosque are at present *subjudice* in the courts, I consider that it would not be in the public interest to answer these questions.

Press Communiqué.

Some time ago it was brought to the notice of the Punjab Government that the wearing of the kirpan, or dagger worn as a religious emblem by the Sikhs, is technically an offence under the Indian Arms Act. In response to representations on the subject the Government of India were addressed and asked to sanction an exemption in favour of kirpans, possessed or carried by Sikhs. The proposal of the Punjab Government has been accepted and under notification No. 950, dated the 25th June, 1914, in the Home Department, kirpans possessed or carried by Sikhs are exempted from the operation of the provisions of the Act.

Simla, the 8th July, 1914.

W. BURR-BRYAN,
Registrar, Punjab Civil Secretariat.

PRESERVATION OF SHAHID GANJ MOSQUE UNDER THE ANCIENT MONUMENTS PRESERVATION ACT.

***4918. Pir Akbar Ali :** Will the Honourable Finance Member kindly state if to avoid the situation assuming the dimensions it did, the question of preserving the Shahid Ganj mosque under the provisions of the Ancient Monuments Preservation Act was taken into consideration?

The Honourable Mr. D. J. Boyd : Yes. This expedient was considered and rejected as impracticable in the circumstances.

POLICE GUARD FOR MUHAMMAD HANIF.

***4919. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that a police constable always remains with Muhammad Hanif, the accused in the case *Crown versus Muhammad Hanif*, pending in the court of the Additional District Magistrate, Gurdaspur ;
- (b) if the answer to above be in the affirmative, whether there is any precedent of such actions having been taken in the case of any other accused ;
- (c) if not, the reasons for this exceptional treatment in the case mentioned in (a) above ?

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

(b) Yes.

(c) Does not arise.

MISAPPROPRIATION IN MUNICIPAL COMMITTEE, BHIWANI.

***4920. Shrimati Lekhwati Jain :** (a) Will the Honourable Minister for Local Self-Government be pleased to place on the Council table the last audit note on the administration of the Bhiwani Municipal Committee, and state whether the attention of Government has been drawn to it ;

(b) if so, what action Government proposes to take on the cases of misappropriations referred to therein ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes, but it is not in the public interest to lay the note on the table.

(b) Action on such notes is taken by the committees concerned under the supervision of local officers and is reported to Government in due course.

EXECUTIVE OFFICER, MUNICIPAL COMMITTEE, BHIWANI.

***4921. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government, be pleased to state—

(a) whether any complaints from the public and reports from the controlling authorities regarding the incompetency of the present Executive Officer, Bhiwani, have been received by the Government ;

(b) if so, how they were disposed of ;

(c) whether it is a fact that the present Executive Officer was posted on probation for one year ?

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

(b) Inquiry was made but as the allegations against the Executive Officer were not substantiated the matter was dropped.

(c) Yes.

MAL-ADMINISTRATION IN MUNICIPAL COMMITTEE, BHIWANI.

***4922. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government be pleased to place on the table a statement showing the following details regarding complaints received against the administration of the Municipal Committee, Bhiwani, by the Deputy Commissioner—

(a) the number of cases regarding such complaints handed over by the Deputy Commissioner to subordinate officers for enquiry and report during 1935 and 1934 ;

(b) the dates of each case handed over for enquiry to such officers ;

(c) the date on which the said officers submitted their final report ;

(d) the total number of complaints still pending for enquiry ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Two in 1934 and three in 1935.

(b) and (c) A statement giving the required information is laid on the table.

(d) None is pending for enquiry. Four are pending with the Deputy Commissioner for orders.

[Hon. Dr. Sir Gokul Chand Narang.]

Statement.

Year.	No.	Date on which the complaint was handed over to the subordinate officer for enquiry and report.	Date on which the report was received.
1934	1	15-9-34	6-10-34
	2	5-10-34	3-8-35
1935	1	29-1-35	3-8-35
	2	20-5-35	8-7-35
	3	13-7-35	21-7-35

OCTROI DUTY IN MUNICIPAL COMMITTEE, BHIWANI.

***4923. Shrimati Lekhwati Jain :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Bhiwani Municipal Committee has increased the octroi duty on commodities by 50 per cent. all round ;
- (b) if so, whether the raising of the octroi duty has resulted in the decline in trade ;
- (c) what Government propose to do in the matter ?

The Honourable Dr. Sir Gokul Chand Narang : (a) No. In the case of some commodities only octroi has been increased by 50 per cent., but even in their case the revised rates are not in excess of the rates prevailing in the neighbouring municipalities.

(b) The revised rates of octroi came into force from the 15th January, 1935, and hence it is yet too early to determine their effect on trade.

(c) Nothing for the present.

***4924. Cancelled.**

STUDENTS OF DEPRESSED CLASSES IN THE CENTRAL TRAINING COLLEGE,
LAHORE.

***4925. Lala Nihal Chand Aggarwal :** Will the Honourable Minister for Education please state—

- (a) the number of students belonging to the depressed classes who have joined the Central Training College, Lahore, in the B.T. and S.A.-V. classes this year and whether any scholarships have been given to them ;
- (b) whether it is a fact that whenever such students have joined the Training College they have been charged Rs. 10 per mensem in the B.T. class and Rs. 7-8-0 in S. A.-V. class as tuition fee ;
- (c) in view of the fact that these extremely poor students are unable to bear this heavy burden and also of the fact that the students

of other communities have for many years in the past in the same college been enjoying the privilege of getting scholarships and free education, whether the Government propose to award them special scholarships and concessions in case there are any of such students in the Central Training College, Lahore ;

- (d) what Government proposes to do with regard to the future entrants to the Central Training College, Lahore, from among the depressed classes ?

The Honourable Malik Sir Firoz Khan Noon : (a)

B. T.	..	..	..	..	..	1
S. A. V.	..	..	..	..	..	1

A stipend of Rs. 20 per mensem has been granted to each of these students.

(b) Yes. It is, however, added for the honourable member's information that these are the half rates of tuition fee levied in B. T. and S. A. V. classes.

(c) Government have provided two scholarships of Rs. 20 per mensem and granted half fee concession to all depressed class students excluding the scholarship holders.

(d) Government is already doing all that is possible in the matter of admission of the depressed classes to training institutions but it is not possible to foresee future circumstances.

POSSESSION OF KIRPANS.

***4926. Pir Akbar Ali :** Will the Honourable Revenue Member kindly state—

- (a) if it is a fact that the Sikhs have been allowed free possession of kirpans merely as a religious symbol and not to use it as a weapon of offence ;
- (b) if answer to (a) be in the affirmative, whether the Government has provided any punishment in case it is used for any other than the abovementioned religious purpose ; if not, why not ; if so, the rules providing such punishment ;
- (c) if the answer to (a) be in the negative or in any way qualified, whether it is not a fact that there is a general grievance that the Government has allowed one section of its subjects to be armed with kirpan or sword while the other sections of its subjects are not so armed ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The orders on the subject are contained at entry 3 (vi) in Schedule II of the Indian Arms Rules, 1924, and must speak for themselves. The use of the kirpan for the commission of an offence would of course be a punishable act.

(c) The honourable member will doubtless have seen the *communiqués* lately issued by the Punjab Government to the press on this subject. All classes and communities in the Punjab are now permitted to possess and carry swords without licence.

POLICE GUARD FOR MAULANA ZAFAR ALI.

***4927. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that some time ago a letter was published in the *Zamindar*, dated 30th November, 1934, and 8th December, 1934, alleged to have been written by some Ahmadia threatening to murder Maulana Zafar Ali ;
- (b) whether it is a fact that the Government on being informed of this letter appointed a police guard in front of the Maulana's house to guard him against any attack on him ;
- (c) whether the Government tried to find out the person alleged to be the writer of the said letter ; if so, with what result ;
- (d) whether it is a fact that the Government was informed in July last that the Ahrars were bent upon committing some mischief by attacking the members of the family of the founder of the Ahmadia community ; if so, whether the Government took any action to prevent such attacks being made ?

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

(b) In consequence of the threatened attack on Maulana Zafar Ali Khan at a specified time and date and at the specific request of his son two police constables were detailed to watch the visit of suspicious persons to him. These constables were withdrawn from this duty immediately the stated time had passed without any happening.

(c) Enquiries made into the matter failed to elucidate the identity of the sender of the threatening letters in question .

(d) Towards the end of June, the Deputy Superintendent of Police, Qadian, was informed by Khan Sahib Farzand Ali that an intention to attack the Head of the Ahmadia Community and his brother was suspected. The Deputy Superintendent of Police discussed the matter with Khan Sahib Farzand Ali and asked, what, if any, special police protection he could suggest. The reply was that no special protection was required. The Deputy Superintendent of Police, however, warned the local police to be vigilant.

EXEMPTION OF SWORD FROM THE OPERATION OF THE INDIAN ARMS ACT.

***4928. Shaikh Abdul Ghani :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the Government have recently exempted swords from the operation of the Indian Arms Act in the Punjab ;
- (b) whether it was done to place all communities on the same level so far as the use of kirpans and swords was concerned ;
- (c) whether the Government is aware that there is no restriction on the sale or manufacture of kirpans in the province ;
- (d) whether the Government proposes to so amend section (5) of the Act as to exempt swords from its operation and place swords and kirpans in the same category ;
- (e) if not, the reasons for creating this anomalous position ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The effect is that all classes and communities in the Punjab are now permitted to possess and carry swords without licence.

(c) No. This is not correct.

(d) and (e) Do not arise.

YEAR OF BIRTH OF BHAI DALIP SINGH, EXTRA ASSISTANT DIRECTOR OF AGRICULTURE (FRUITS).

***4929. Shaikh Abdul Ghani :** Will the Honourable Minister for Agriculture kindly state—

(a) whether Government is aware that Bhai Dalip Singh, Extra Assistant Director of Agriculture (Fruits) is the younger brother of Bhai Harnam Singh, Extra Assistant Director of Agriculture, Jullundur ;

(b) whether it is a fact that Bhai Dalip Singh's year of birth is 1884, while that of his elder brother Bhai Harnam Singh's is 1886 (see History of Gazetted Officers) ;

(c) if the reply to the above is in the affirmative, what action Government proposes to take in the matter ?

The Honourable Sardar Sir Jogendra Singh : (a) Government has no information.

(b) According to the History of Services of Gazetted Officers the dates of birth of these two officers are 1884 and 1886, respectively.

(c) Does not arise.

APPOINTMENTS IN THE AGRICULTURAL DEPARTMENT.

***4930. Shaikh Abdul Ghani :** Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that the following new appointments have recently been made in the Agricultural Department :—

1. Khan Sahib Agha Yusuf Ali, Deputy Director of Agriculture, Montgomery ;
2. Sardar Charan Singh, Deputy Director of Agriculture, Multan ;
3. Malak Amanat Khan, Professor of Agriculture ;
4. Bhai Chanda Singh, Extra Assistant Director of Agriculture, Lyallpur ;
5. Bhai Gurdial Singh, Extra Assistant Director of Agriculture, Multan ;
6. Bhai Harnam Singh, Extra Assistant Director of Agriculture, Jullundur ;
7. Bhai Gaginder Singh, Extra Assistant Director of Agriculture, Ferozepore ;
8. Bhai Dalip Singh, Extra Assistant Director of Agriculture, Fruits, Lyallpur ;
9. Bhai Jalmeja Singh, Extra Assistant Director of Agriculture, Fruits, Lyallpur ;

[Sh. Abdul Ghani.]

10. Sardar Kartar Singh, Senior Marketing Officer ;
11. Bhai Pritam Singh, Assistant Marketing Officer ;
12. Lala Harjas Rai, Assistant Marketing Officer ;
13. Mr. Zafar Alam, Assistant Marketing Officer ;

(b) if so, whether the right communal proportion was kept in view in making these new appointments in the Agricultural Department ;

(c) whether all these appointments were made (i) on the recommendation of the Director of Agriculture, Punjab, and (ii) with the approval of the Public Service Commission or with that of His Excellency the Governor in Council ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The appointments 1 to 7 were merely promotions within the service and no question of communal proportion could arise.

Appointments 8 and 9 were made by transfer from the Forest Department. The Agricultural Department were not responsible for the selection of these two officials. The official selected for the post of Senior Marketing Officer was considered to be the most suitable that could be found. The three Assistant Marketing Officers were selected one from each community.

(c) The appointments in all cases except 8 and 9 were made on the recommendation of the Director of Agriculture. The approval of the Public Service Commission was only required in the case of appointment No. 1, and it was obtained. The other appointments were all temporary or officiating. His Excellency the Governor was consulted regarding appointments 1, 2, 8, 9 and 10 and he approved of them.

ELECTRIC SUPPLY TO JHANG-MAGHIANA.

*4931. **Mr. Muhammad Din Malak :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that several companies applied for licence to electrify Jhang-cum-Maghiana over a year ago ;
- (b) whether it is a fact that the grant of the licence is being anxiously awaited by residents of Jhang-Maghiana ;
- (c) if answers to (a) and (b) above be in the affirmative, the reasons for the delay ;
- (d) by what date the licence is expected to be granted ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Probably.

(c) Difficulties connected with the setting up of aerial lines over *taria* processional routes.

(d) There is no obstacle beyond that indicated under (c). No date can be stated at present.

ELECTRIC SUPPLY INDUSTRY IN THE PUNJAB.

***4932. Mr. Muhammad Din Malak :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that one particular community has already monopolised the electric supply industry of the province ;
- (b) if so, whether the Government propose to see that in granting licences in future one particular community is not allowed to monopolise the industry ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

Chaudhri Allah Dad Khan : Is there any Muslim in the Electric supply industry of the province ?

The Honourable Nawab Muzaffar Khan : None as far as I am aware of.

Chaudhri Allah Dad Khan : May I know the reason for the same ?

The Honourable Nawab Muzaffar Khan : Because no applications were so far received. We have now received some applications which will be considered.

ELECTRIC SUPPLY TO KHANEWAL.

***4933. Mr. Muhammad Din Malak :** Will the Honourable Revenue Member please state—

- (a) the names of companies which have applied for licence to electrify Khanewal ;
- (b) whether the Multan Electric Supply Company, Limited, has also applied for licence to electrify Khanewal ;
- (c) whether the Multan Electric Supply Company, Limited, has been in trouble with the consumers in Multan ; if so, on what account ;
- (d) whether the officers and directors of the Multan Electric Supply Company, Limited, belong to only one particular community ;
- (e) whether the local prospective consumers of Khanewal have any share in the capital or the management of the Multan Electric Supply Company, Limited ?

The Honourable Nawab Muzaffar Khan : (a) The Multan Electric Supply Company, Limited, Messrs. P. Ahuja and Company, Lahore, and The Northern India Electric Supply Company, Limited, Lahore.

(b) Yes.

(c) It is understood that certain consumers in the Cantonment area had their premises disconnected as a protest against the rates charged by the Company which were alleged to be high. It has recently been reported by the Company that these consumers have had their premises reconnected.

(d) Yes.

(e) Certain persons from Khanewal have bought some shares of the Multan Electric Supply Company, Limited. Government has no information to what place or places the officers employed in the management of the Company belong.

QUARREL BETWEEN SIKHS AND MUSLIMS ON THE QUESTION OF AZAN.

*4934. **Pir Akbar Ali**: Will the Honourable Finance Member be pleased to state whether the Government has received a report that on the 17th September, 1935, at Manzakaler in the Amritsar district there was a quarrel between Sikhs and Muslims on the question of Azan (call to prayer) being said in the mosque and that four Muslims were killed and six wounded?

The Honourable Mr. D. J. Boyd: Government have received a report of an affray between Sikhs and Muslims on the 17th of September at village Kaler Bala Pain in Amritsar district, which is presumably the incident to which the honourable member refers. A party of about 20 Jat Sikhs attacked a small group of Muslims. Seven Muslims received injuries. There were no deaths, and it appears that the affray arose from a case of cattle trespass and had nothing to do with the question of Azan.

CLASHES OVER Azan.

*4935. **Pir Akbar Ali**: Will the Honourable Finance Member be pleased to state—

- (a) how many incidents of clashes between Muslims and Sikhs over the question of calling Azan in a mosque have happened every year during the last 15 years, stating the names of the villages, the number of the killed and the wounded of Muslims and Sikhs separately in each case, in the districts of Lahore, Amritsar, Ferozepore, Ludhiana, Sheikhpura;
- (b) whether any measures have been adopted by the Government to prevent such incidents as are referred to in part (a) above; if so, when they were adopted, their nature and the result of their adoption?

The Honourable Mr. D. J. Boyd: I regret that the answer to this question is not yet ready.

GURDWARA ELECTIONS.

*4936. **Pir Akbar Ali**: Will the Honourable Minister for Education kindly state the amount spent on Gurdwara elections since 1926-27, stating the cost at each election?

The Honourable Malik Sir Firoz Khan Noon: The expenditure incurred on Gurdwara elections since 1926-27 is as follows:—

Year.	Expenditure.
	Rs.
1st November, 1925—31st March, 1927 ..	.. 1,88,593
1929—1930 .. .. .	.. 1,34,586
1932—1933 .. .. .	.. 43,824

TERRORIST MOVEMENT IN THE PUNJAB.

*4937. **Pir Akbar Ali**: Will the Honourable Finance Member kindly state to what extent the terrorist movement which started in the first decade

of this century was indigenous in the Punjab and will Government be pleased to give the names of the terrorists belonging to the Punjab who were tried and convicted of terrorist offences including conspiracy in promoting terrorist offences since 1910?

The Honourable Mr. D. J. Boyd : The answer to this question would involve writing a history of the terrorist movement for the last 25 years and Government regrets that it is not prepared to undertake this work. The honourable member will find much information which will be relevant to his question in the Administration Reports and the Police Reports published since 1910.

SIKH REPRESENTATION IN SERVICES.

***4938. Pir Akbar Ali :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the representation of the Sikh community in the Provincial Forest Service, the Indian Civil Service, the Public Works Department, and the Agriculture Service on 1st January, 1935, has been much more than it was on 1st January, 1910 and is much more than that of the Muslim community on population basis;
- (b) if so, what steps the Government have so far taken for making up the deficiency of Muslims in these departments?

The Honourable Mr. D. J. Boyd : (a) Presumably the honourable member is referring only to gazetted officers. In the four services which he mentions in his question—Indian Civil Service, Public Works Department, the Agricultural Service and the Provincial Forest Service—the proportion of Muslims to Sikhs on—

1st January 1910 was	..	..	..	1 : 1 and on
1st January 1935 it was	..	..	..	1½ : 1
The proportion of Muslims to Sikhs in the population of the province is roughly	..	..	..	4½ : 1

(b) In these four services there were on 1st January, 1910, 20 Sikh officers and 19 Muslim. On 1st January 1935 there were 60 Sikh officers and 106 Muslim. The honourable member will, therefore, see that Muslims have appreciably improved their position. Under the instructions which govern recruitment to services the Muslim community may be expected to continue to make up the lost ground.

CONSTRUCTION OF A MOSQUE AT QADIAN BY AHRARS.

***4939. Pir Akbar Ali :** With reference to his answer to my question No. *4249,¹ will the Honourable Minister for Local Self-Government kindly state—

- (a) the names of the parties mentioned in line 3 of clause (c);
- (b) whether the Town Committee did anything illegal or against rules in view of which the two officers mentioned in the said clause (c) had to take action by advising the Town Committee to proceed according to law;

¹ Volume XXVI, pages 463-64.

[Pir Akbar Ali.]

- (c) the action of the Town Committee which made it necessary for the magistrate to ask the Town Committee to convene a special meeting of the committee ;
- (d) whether he is aware of any such procedure as is mentioned in part (c) having been taken by any magistrate or Superintendent of Police in any other local body in the province ;
- (e) whether he will lay on the table a copy of the letters by which any instruction, advice or request as mentioned in the answer to question No. 4243 was conveyed to the Town Committee ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The names are not available but the parties were certain Ahrars who had begun digging the foundations of the mosque, and their supporters on the one side, and the Ahmadi party, some of whom had come to the spot armed with *lathis*, on the other.

(b) It was not the Town Committee but the Ahmadis and Ahrar party who were asked to proceed according to law.

(c) To avoid a serious clash between the Ahmadis and Ahrar party it was necessary that the Town Committee should decide the building application of Umar Din as soon as possible.

(d) Government have no information on the point, nor are they aware that exactly similar circumstances have ever arisen elsewhere.

(e) There is no record in the Deputy Commissioner's office to show that the Town Committee was asked in writing to convene a special meeting for considering the building application.

ACTION TAKEN BY GOVERNMENT ON RESOLUTION OF THE ANJUMAN-I-ISLAMIA, PUNJAB.

*4940. **Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether he has received a copy of the resolutions passed by the executive committee of the Anjuman-i-Islamia, Punjab, Lahore, at its meeting held on the 29th August, 1935 ;
- (b) if so, what action, if any, has been taken with regard to the resolutions contained in the said copy ?

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

(b) The contents of the resolutions have been noted.

SUB-ASSISTANT SURGEON, CIVIL HOSPITAL, MUKTSAR.

*4941. **Pir Akbar Ali :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that for the last 27 years the post of Sub-Assistant Surgeon, in charge of the Civil Hospital, at Muktsar, has always, except for a few months only, been occupied by non-Muslim incumbents ;
- (b) if so, the reasons for not appointing a Muslim Sub-Assistant Surgeon at Muktsar throughout this long period ?

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

(b) The representation of Muslims in the Sub-Assistant Surgeons' service being low they cannot possibly be posted to all the dispensaries in rotation. Endeavours are, however, made to post members of various communities to dispensaries in rotation with due regard to the exigencies of the service and efficiency and attainments of individuals.

SPEECH BY M. IHSAN AHMAD, AN AHRAR, IN CHAUK AKBAR SHAH, FEROSHPORE.

*4942. **Pir Akbar Ali :** Will the Honourable Finance Member kindly state after making an enquiry :—

- (a) whether it is a fact that on 21st September at about 9 P.M. a meeting was held by the Ahrars in Chauk Akbar Shah, Ferozeshah City ;
- (b) whether it is a fact that an Ahrar Maulvi named Ihsan Ahmad therein delivered a lecture ;
- (c) whether it is a fact that during the course of his speech he said :—
" Sikhon ne masjid girai nahin, girwa di gai hai "
*" Gar-ehi tir az kaman hami guzrad
 Az kamandar binad ahle-khirad."*
*" Sikh to apne raj men bhi masjid na gira sake, jise pahre aur sangi-
 non ke saya men giraya gaya."*
- (d) if the reply is in the affirmative, what action Government has taken in public interests ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

IDENTIFICATION OF PERSONS RESPONSIBLE FOR PAYMENT OF
ABIANA.

*4943. **Pir Akbar Ali :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that in the *khatoni* prepared by the canal patwaris showing the amount of *abiana* recoverable from a person, the parentage, caste, etc., of the occupier of the land responsible for payment of *abiana* is not given ;
- (b) if so, whether it is proposed to introduce these entries for facilitating identification ?

The Honourable Nawab Muzaffar Khan : (a) On canals where both the land-revenue and water-rates are assessed by the Irrigation Branch the answer is in the affirmative. But in the case of canals where the water-rate only is assessed by the Irrigation Branch the caste is not mentioned.

(b) Yes. It is proposed to bring the forms into line with one another by including the caste in both.

WATER RATES, OWNER'S RATES AND LAND REVENUE.

*4944. **Pir Akbar Ali**: Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that in such areas of Ferozepore, Muktsar and Fazilka tahsils of the Ferozepore district as are irrigated by the Eastern Canals a rate called "owner's rate" or "*khush hasiati*" is imposed on the land-owners, in addition to occupier's rate and land revenue;
- (b) if so, whether he will lay on the table a statement on the following lines *re* Ferozepore, Muktsar and Fazilka tahsils of Ferozepore district :—

Name of Canal.	Water rates per acre.	Owner's rates per acre.	Land revenue per acre.
Eastern Canal ..			
Sirhind Canal ..			
Difference ..			

- (c) whether it is a fact that income from lands irrigated by the Eastern Canals in the above tahsils has fallen as compared with the income derived from them at the time of the Grey Canals;
- (d) the approximate date of the year when water begins to flow in the Eastern Canal, with the approximate date when it closes;
- (e) whether it is a fact that the present rates of *abiana* on the Eastern Canal are much higher than those which used to be at the time of Grey Canals?

The Honourable Nawab Muzaffar Khan: I regret that the answer to this question is not yet ready.

ABIANA ON GOWARA.

*4945. **Pir Akbar Ali**: Will the Honourable Revenue Member kindly state—

- (a) whether he is aware that in the ilaqas where cotton is grown, the *gowara* crop is cultivated primarily to improve the land for sowing cotton and not merely for fodder;
- (b) if so, whether he now proposes to lower the *abiana* on the *gowara* crop to the level where it used to be before the recent increase due to its being treated as a fodder crop?

The Honourable Nawab Muzaffar Khan: (a) No. *Gowara* itself is a *Kharif* crop but a field containing this crop is not assessed to water rates if it is ploughed in before 15th September for purposes of green manuring.

- (b) Does not arise.

**DAMAGE OF *Gowara*, MAIZE AND *Chari* CROPS BY *Chitri* AND
RED-WORM.**

***4946. Pir Akbar Ali :** Will the Honourable Revenue Member kindly state whether it is a fact that the *gowara*, maize and *chari* crops have been greatly damaged this year in Ferozepore district, the former, *viz.*, *gowara* by a disease called *chitri* and the latter (maize and *chari*) by another disease called red-worm ?

The Honourable Nawab Muzaffar Khan : Some damage to *gowara* has been done by *tela* in the district and to *chari* by red-worm in Fazilka and Muktsar tahsils. No damage is reported to the maize crop.

COURT DRESS OF SUB-COURT INSPECTORS AND COURT INSPECTORS.

***4947. Pir Akbar Ali :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that the sub-court inspectors and court inspectors appear in courts in uniform ;
- (b) if the answer to above be in the affirmative, whether he is aware that their appearing in the uniform has the effect of influencing witnesses to the prejudice of the accused ;
- (c) whether he proposes to consider the advisability of their appearing in the dresses worn by the advocates and pleaders, *i.e.*, simple clothes with black coats ?

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

(b) No.

(c) No. Uniform is the correct dress for police officers.

UNSTARRED QUESTIONS AND ANSWERS.

GRANTS-IN-AID TO ELEMENTARY SCHOOLS.

1255. Lala Jyoti Prasad : Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that in the Punjab Educational Code of the latest edition of 1934 according to articles 86 to 95 grants to elementary schools are permissible ;
- (b) whether a letter No. 4491-A., dated the 28th February, 1935, from the Director of Public Instruction was issued which directs that in future all elementary schools be treated as primary schools for purposes of grant-in-aid ;
- (c) if so, whether he will lay a copy of it on the table ;
- (d) the reasons for not giving grants-in-aid to elementary schools in future ?

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

(b) No.

(c) and (d) Do not arise.

INSTITUTION OF SUITS IN THE SMALL TOWN COMMITTEE, TOHANA.

1256. Lala Jyoti Prasad : Will the Honourable Minister for Local Self-Government be pleased to give in the form of a statement—

- (a) the number of cases instituted by or against the Small Town Committee, Tohana, in the Hissar district, yearly from 1927 to 1934 ;
- (b) the names of plaintiff or plaintiffs in each case ;
- (c) the final results in each case ;
- (d) the expenses incurred by the committee in each case ;
- (e) who is responsible for compelling the public to this litigation ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Three cases were instituted in 1927 and one in 1934 but none in the other years.

(b) to (d) A statement is laid on the table.

(e) The suits arose from the Committee's attempt to remove encroachments on public streets.

(b)—

1. Samman Lal.
2. Mohan Lal Balmukand and Punna Lal.
3. Roshan, Nathu, Farid, Jiwan, Ghulam Jilani., Imam Ali, Jani, Bagar and Tetu.
4. Mangat Ram.

(c)—

<i>Case.</i>	..	..	..	<i>Result of case.</i>
1. Samman Lal	..	..	..	Decreed with costs in favour of the Town Committee.
2. Mohan Lal, etc.	..	..	..	Decreed in favour of Mohan Lal, etc., but the parties were ordered to bear their own costs throughout.
3. Roshan, etc.	..	..	..	Decreed with costs in favour of the Town Committee.
4. Mangat Ram	..	..	..	Case still pending.

(d)—

	..	..	..	..	Rs.	A.	P.
1. Samman Lal's case	..	..	..	..	283	13	0
2. Mohan Lal, etc.	..	..	..	..	1,168	6	9
3. Roshan, etc.	..	..	..	..	290	3	3
4. Mangat Ram's	..	..	..	..	147	6	3

EXECUTION OF DECREES UNDER THE RELIEF OF INDEBTEDNESS ACT.

1257. Lala Jyoti Prasad : Will the Honourable Finance Member please state—

- (a) the amount of realisation made through courts in execution of decrees during the first three months, after the coming into force of the Relief of Indebtedness Act, 1935, in each of the districts of Hissar, Rohtak, Gurgaon and Karnal ;
- (b) the realisation during the corresponding months of the last year and the year before, in each of the districts mentioned above ?

The Honourable Mr. D. J. Boyd : A statement is appended.

Statement.

No.	Name of district.	Amount realised in execution of decrees during the first three months (May to July) after the coming into force of the Punjab Relief of Indebtedness Act, 1935.	Realisations during the corresponding months of 1934.	Realisations during the corresponding months of 1933.
		Rs.	Rs.	Rs.
1	Hissar ..	95,934	106,413	107,214
2	Gurgaon ..	134,579	91,889	117,345
3	Karnal ..	96,146	105,235	95,902
4	Rohtak ..	173,560	133,351	93,334

RELIEF OF INDEBTEDNESS ACT AND THE WARRANTS OF ARREST OF JUDGMENT DEBTORS.

1258. Lala Jyoti Prasad : Will the Honourable Finance Member please state—

- the number of warrants of arrest of judgment debtors issued by courts in each of the districts of Hissar, Rohtak, Gurgaon and Karnal but withheld owing to the coming into force of the Relief of Indebtedness Act, 1935 ;
- whether it is a fact that the number of institution of money suits has fallen in these districts since the coming into force of this Act ?

The Honourable Mr. D. J. Boyd : (a) & (b) A statement is laid on the table. All the courts in these districts except two report a fall in the number of money suits instituted.

Serial No.	District.	The number of warrants of arrest issued against civil judgment debtors by courts in the districts of Hissar, Rohtak, Gurgaon and Karnal, but withheld owing to the coming into force of the Punjab Relief of Indebtedness Act, 1935.	Whether it is fact that the number of institution of money suits has fallen in these districts since the coming into force of this Act ?
1	Hissar ..	Nil.	Yes.
2	Gurgaon ..	179	Yes.
3	Karnal ..	10	Yes, except in the court of the Subordinate Judge, Panipat.
4	Rohtak ..	197	Yes, except in the court of the Subordinate Judge, Sonapat.

SUITS UNDER THE REGULATION OF ACCOUNTS ACT.

1259. **Lala Jyoti Prasad** : Will the Honourable Finance Member please—

- (a) state whether it is a fact that creditors do not generally keep registers provided by the Regulation of Accounts Act, these being too difficult for them to use correctly ;
- (b) state the number of suits which have been instituted on the basis of registers in accordance with the Regulation of Accounts Act, 1934, in each of the districts of Hissar, Rohtak, Karnal and Gurgaon, from the time of coming into force of the above Act till now ;
- (c) state the total number of ordinary money suits instituted in each of the districts of Gurgaon, Hissar, Rohtak and Karnal during the period mentioned in (b) above ;
- (d) lay on the table a comparative statement of the income on account of court fee sale *re* money suits after the introduction of the Regulation of Accounts Act and the Relief of Indebtedness Act and in the corresponding period of the preceding year ?

The Honourable Mr. D. J. Boyd : (a) Government have no information to this effect.

(b) and (d) It is assumed that the honourable member's reference is to the Punjab Regulation of Accounts Act, 1930. There is no Act of this name in the statute book for 1934. It would not be possible to obtain the information asked for without an examination of the records of all the civil suits instituted since the Act came into force. To make such an examination would entail an expenditure of time and money out of proportion to the results to be attained.

	Rs.
(c) Hissar	20,792
Gurgaon	20,498
Karnal	26,174
Rohtak	99,198

THEFT IN DEMONTMORENCY COLLEGE, SHAHPUR.

1260. **Rai Bahadur Lala Sewak Ram** : Will the Honourable Minister for Education kindly state—

- (a) whether he is aware of the facts regarding the theft case of the deMontmorency College, Shahpur ;
- (b) whether it is a fact that a departmental enquiry committee was appointed to go into the matter, if so, what was the report of the committee ;
- (c) whether any clerk of the college was suspected of having a hand in the theft ;
- (d) if the reply to (c) be in the affirmative, what action was taken against him ?

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

(b) Yes. The report of the committee is under consideration of the Government. It is, however, not in the public interest to disclose the findings of the committee.

(e) and (d) Government has not yet arrived at any decision in regard to the findings of the committee.

METALLED ROADS.

1261. Shrimati Lekhwati Jain : Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that there is a considerable motor and other traffic on the Public Works Department road (between Kharian and Dinga) passing through village Dhooria in the Gujrat district ;
- (b) whether it is a fact that the road is in a very neglected condition and is even dangerous to be used during the rains ;
- (c) whether this road is on the list of the roads to be metalled under the road development scheme ; if so, when it is likely to be taken up, if not, why not ?

The Honourable Sardar Sir Jogendra Singh : (a) There is not much motor or any other vehicular traffic on the road ;

(b) The road is *kacha* and maintained by the District Board which is doing its best to keep it in good condition. In the rains naturally a *kacha* road is not fit for motor traffic.

(c) The whole question of road development in the Punjab is being examined and it is impossible to say at this stage whether this road will be metalled or not.

WANT OF 1ST CLASS MAGISTRATE AT MUKTSAR.

1262. Shrimati Lekhwati Jain : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the tahsildar and the naib-tahsildar at Muktsar are not allowed to entertain new complaints direct since September, 1931 ;
- (b) whether it is a fact that for want of a 1st Class Magistrate at Muktsar tahsil headquarters, the litigant public have to undergo a great trouble in going to the far off district headquarters, in order to attend the court of the ilaqa magistrate there, for the purpose of launching new complaints and attending in cases pending in his court ;
- (c) whether it is a fact that each of the Moga and Fazilka tahsils in the Ferozepore district has two 1st class magistrates posted at its headquarters while even the small town of Gidderbaha in the Muktsar tahsil has one such magistrate ;
- (d) whether it is a fact that a 1st class magistrate was posted at Muktsar tahsil headquarters prior to 1927 ;
- (e) if the answers to (a) to (d) be in the affirmative what Government proposes to do in the matter in order to redress the grievance of the people of the Muktsar tahsil ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) Yes.

(c) Yes.

(d) Yes, but as a temporary measure only.

(e) The criminal work in the Muktsar tahsil is reported to be insufficient to justify the permanent posting of a 1st Class Magistrate there, but the matter is receiving the consideration of Government.

ANGLO-VERNAACULAR GIRLS' MIDDLE SCHOOL FOR MUKTSAR.

1263. Shrimati Lekhwati Jain : Will the Honourable Minister for Education kindly state—

(a) whether it is a fact that the Government is considering the desirability of opening an anglo-vernacular girls' middle school at every tahsil headquarters in the Punjab in the near future or to provincialize such schools where they already exist ;

(b) whether it is a fact that no high school for girls or even an anglo-vernacular girls' middle school exists at present throughout the whole of the Muktsar tahsil ;

(c) if the answer to (a) and (b) be in the affirmative, whether Government intends to provincialize the existing Municipal Board Girls' Vernacular Middle School, Muktsar ?

The Honourable Malik Sir Firoz Khan Noon : (a) No, the question of opening of a Government vernacular middle school in each tahsil is under consideration.

(b) Yes.

(c) The claims of Muktsar for the opening of a Government vernacular middle school along with those of other tahsils will be duly considered.

THUMB-IMPRESSION CASES.

1264. Shrimati Lekhwati Jain : Will the Honourable Finance Member please state the total number of thumb-impression cases dealt with by the Thumb Impression Bureau, Phillaur, during each of the last ten years ?

The Honourable Mr. D. J. Boyd : The honourable member will find the information in the Provincial Reports on Police Administration for the years in question.

1265—1268. *Cancelled.*

MULTAN FOREST DIVISION.

1269. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state in respect of the Multan district in the Multan Forest division—

(a) the percentage of posts which Muslims are entitled to in the recruitment of—

(i) Forest guards ;

(ii) other incumbents of temporary posts in the Forest Department ;

- (b) the community-wise distribution of the above mentioned posts ;
 (c) the community-wise distribution of new posts in the above mentioned cadres during each of the last three years, specifying for each community the number of those who were retired or discharged soldiers ;
 (d) the community-wise number of those for each of the last three years who either left their posts or retired or were discharged or dismissed ?

The Honourable Nawab Muzaffar Khan : (a) (i) 75 per cent. according to departmental practice in the case of forest guards. There is no fixed proportion for other incumbents of temporary posts.

(ii) Not fixed.

(b) The distribution in the Multan Forest Division on 1st October, 1935, was :—

				Muslims.	Sikhs.	Hindus.
Forest Guards	..	..	..	30	4	27
Temporary posts	..	..	..	8	..	4

(c) The distribution of appointments to vacancies during the last three years is given below :—

Year.	FOREST GUARDS.			TEMPORARY POSTS.		
	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.	Hindus.
1932-33 .. ..	..	..	..	1	..	..
1933-34	3(*)	..	..	2	..	..
1934-35	4(*)	1	..	4	..	3

(*) Includes one ex-military man.

Note.—The District Soldiers Boards were unable to recommend or to send suitable men.

(d) The following table gives the information for the last three years :—

Year.	FOREST GUARDS.			TEMPORARY POSTS.		
	Muslims.	Sikhs.	Hindus.	Muslims.	Sikhs.	Hindus.
1932-33	3	..	..	1	..	..
1933-34	2	1	..	2	..	..
1934-35	3	..	2	2	1	1

Note.—The unit of divisional control being the Forest division, information has been supplied for the Multan Forest division and not for the Multan district as figures for the district are not readily ascertainable.

MULTAN FOREST DEPARTMENT.

1270. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state in respect of the Multan district—

- (a) the number of contracts of the Forest Department as distributed per community during each of the last three years ;
 (b) the figure for each community of contracts of the Forest Department given during each of the last three years ?

The Honourable Nawab Muzaffar Khan : (a) The following statement shows the number of contracts in force in Multan Forest division between the Forest department and contractors belonging to the Muslim, Sikh and Hindu communities during the three years 1932-33 to 1934-35 :—

Year.	Muslims.	Sikhs.	Hindus.
1932-33	35	2	5
1933-34	38	1	4
1934-35	27	1	8

The above statement excludes :—

- (i) two contracts with firms whose community cannot be determined, and
 (ii) a lease to the Deputy Commissioner, Criminal Tribes.
 (b) Is not understood.

DIVISIONAL FOREST OFFICERS, MULTAN.

1271. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) the percentage of Muslims in the population of the Multan district ;
 (b) the number of—
 (i) Muslims, (ii) Hindus, (iii) Sikhs, (iv) others,

who have been Divisional Forest officers in Multan district during the last twenty years ?

The Honourable Nawab Muzaffar Khan : (a) 80.25 per cent. ;

(b) Three Hindus and one Muslim held charge of the division permanently during the last 20 years.

Two Hindus, one Sikh, one Muslim and one European were placed in charge of the division for short periods of 2 to 6 months in leave or other arrangements.

ECONOMIC BOYCOTT OF HINDUS.

1272. Shrimati Lekhwati Jain : Will the Honourable Finance Member please state—

- (a) in which cities, towns or villages in the province, the Muslims have resorted to the economic boycott of Hindus during the last few months ;

- (b) in how many places Muslim volunteers actually picketed the Hindu shops ;
- (c) whether the authorities took any action against such volunteers ;
- (d) if not, the reasons for this inaction or acquiescence on the part of the authorities ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

LUNATICS IN MENTAL HOSPITAL, LAHORE.

1273. Shrimati Lekhwati Jain : Will the Honourable Minister for Education be pleased to state—

- (a) the total number of lunatics (male and female separately) in the Punjab according to the last census ;
- (b) the number of lunatics (male and female separately) as shown on 31st March, 1935, in the Government Mental Hospital ;
- (c) the number of lunatics whose relatives contribute duly for their lodging and treatment ;
- (d) the percentage of lunatics who are treated free at the expense of the Government or are maintained at the expense of their respective local bodies ;
- (e) the number of lunatics sent to the Government Mental Hospital by the police and other official and non-official agencies respectively at their own initiative during the last financial year ;
- (f) whether it is the duty of doctors in charge of civil dispensaries to see that lunatics neglected by their relatives are duly sent up by them to the Mental Hospital at their own initiative in the interest of humanity ;
- (g) if not, whether the Government proposes to have the above included in the list of their duties ?

The Honourable Malik Sir Firoz Khan Noon : (a) 5,619 males and 2,720 females.

(b) 881 males and 230 females.

(c) 95.

(d) 96.85 per cent.

(e) 981—details of which are—

(i) sent by magistrates	..	..	..	297
(ii) transferred from jails	..	..	..	62
(iii) sent by magistrates on the application of the patients' relatives	..	..	..	20
(iv) voluntary boarders	..	..	..	2

Total .. 381

(f) No.

(g) In view of the satisfactory provision made in sub-section (2) of section 13 of the Indian Lunacy Act, 1912, Government do not propose to take any action in the matter.

LIQUOR SHOPS.

1274. Shrimati Lekhwati Jain : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that the liquor shops in the province remain open on such festival days as the Holi, Diwali, Moharram, Shab-i-Barat, Guru Nanak's Birthday and Guru Gobind Singh's Birthday ;
- (b) if so, whether the attention of the Government has been invited to the extreme undesirability of allowing these shops to remain open on such sacred days ;
- (c) whether the Government has ever received any representation from any of the communities in the Punjab as to the prohibition of liquor sale on these festival days ;
- (d) if so, what Government intends to do in the matter ?

The Honourable Sardar Sir Jogendra Singh : (a) No ; not in all districts of the province.

(b) and (c) Yes.

(d) Instructions have already been issued to the Collectors,—vide section 9·15 of the Punjab Excise Manual, Volume III.

PAPERS LAID ON THE TABLE.

STATEMENT SHOWING ADDITIONS AND REDUCTIONS SANCTIONED BY THE FINANCE DEPARTMENT IN THE NON-VOTED GRANTS FOR THE YEAR ENDED 31ST MARCH, 1935.

Secretary : Statement showing additions and reductions sanctioned by the Finance Department in the non-voted grants for the year ended 31st March, 1935, is laid on the table.¹

DEMANDS FOR SUPPLEMENTARY, ADDITIONAL AND TOKEN GRANTS, 1935-36.

The Honourable Mr. D. J. Boyd : I have to announce that the demands printed on the order paper are presented on the recommendation of His Excellency the Governor.

LAND REVENUE.

The Honourable Nawab Muzaffar Khan (Revenue Member) : I beg to move—

That a supplementary sum not exceeding Rs. 44,890 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, 1936, in respect of land revenue.

Mr. President : Motion moved—

That a supplementary sum not exceeding Rs. 44,890 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, 1936, in respect of land revenue.

¹Kept in the Library.

Mian Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That the total grant be reduced by Rs. 100.¹

Under the new sliding scale system that is being put in operation in different districts of the Punjab we have had the settlement of the Montgomery district, the settlement of Lyallpur is now on and recently the settlement has started in the Lahore district. Many of my friends at Lahore have asked me to give them the benefit of our experience at Lyallpur; and I am taking this opportunity to criticise some of the methods adopted in the settlement operations.

The Honourable Sardar Sir Jogendra Singh : I rise to a point of order. Is it open to the honourable member to discuss the question of policy on a supplementary demand ?

Mr. President : I have more than once ruled from this chair that the policy underlying a particular supplementary demand can be discussed; but that the policy underlying the original annual demand cannot be discussed when a supplementary demand is under discussion.

Mian Nurullah : The most important thing in the settlements after the introduction of the new system of assessment is the question of yields of various crops. I will try to be very brief, because when the Lyallpur settlement is going to be announced we are going to make a detailed study and start a thorough discussion over it; but for the present I will stick myself to what is going to happen to Lahore and express my views with reference to what happened at Lyallpur.

I might refer to the rule under which yields are fixed. It is rule No. 5 of Land Revenue Assessment Rules, 1929. In this connection I would like to draw the attention of the House to a recent Abstract Assessment Report of the Lyallpur tahsil published under rule 19 by the settlement officer. There he mentions that the question of yields has received the attention that its importance deserved. He says, "My enquiry regarding the yields covers the following sources", and it is these sources that I am going to discuss here this afternoon. The first, or (a) as he calls it, is the quinquennial averages supplied by the Director of Land Records. I do not know—I have not made a thorough study of the subject yet—from what sources these records are prepared. But from the yields as announced in the Abstract Assessment Report of the Lyallpur tahsil I can say that they are too high as compared to what I feel these records must be showing. They are not at all in consonance with the records I have got and which I know of so far. The yield of cotton, American and desi, are given on page 2 of the same Abstract and they are fixed at 6½ maunds per acre for both. I have had an opportunity of putting in my criticism and objections and I am sure the Honourable Revenue Member, the Financial Commissioners and His Excellency the Governor will give their full attention and favourable consideration to the objections put in by me as also the objections put in by other zamindars. In this connection I have to mention that my opinion about Lyallpur is this. I speak subject to correction. My facts might be wrong and I do want that these facts should be verified and corrected. I should like to know where I am wrong, for, in the light of that

¹To raise discussion on the method of fixing yields in settlement operations.

[Mian Nurullah.]

information I shall be able to make proper criticism when the time comes. Remissions have been given to cotton due to its failure practically every year during the last few years. I am further told that the averages as reported by the local officers in the district for the purpose of those special remissions were in the case of desi cotton, 2 maunds. These averages are for the years 1928-29 to 1932-33. In the first year the average was reported to be 2 maunds, in the second year, 3 maunds, 3rd year $4\frac{1}{2}$ maunds, 4th year 2 maunds and 5th year 3 maunds. If these figures are correct the average comes to about $3\frac{1}{2}$ maunds whereas the average they have adopted is $6\frac{1}{2}$ maunds. This is exactly double. I wonder how this has been calculated and fixed. The same thing applies to American cotton. The yields reported, if I am correct, are respectively, 3, 5, $4\frac{1}{2}$, $4\frac{1}{2}$ and 5 maunds, the average coming to under $4\frac{1}{2}$ maunds. In the face of this again the yield of $6\frac{1}{2}$ maunds fixed in the Assessment Report is very high and I do not know on what facts and figures this was fixed. That is in brief the case for the first principle, the quinquennial averages. The results arrived at do not at all tally with what I expect from these records.

The second principle (b) mentioned is the average calculated from the results of experiments conducted by the Agricultural Department. Some zamindars think that that department is a boon and others think that it is doing harm because it is only meant to give certain results for settlement purposes and to fix more revenue. I do not express any opinion. But I do want to say that the averages as calculated by them in their farms are certainly too high. They should not be compared with the averages that the zamindars actually get in their ordinary fields with their ordinary capacity of work with practically no labour and with limited supply of water and many other difficulties. So this again as a principle is very defective. The yield of sugarcane in the Lyallpur tahsil has been taken to be 30 maunds. It is really very high as compared with 18 maunds taken by Mr. Dobson who is present here, when he assessed the Rakh Branch. The average, if anything, should have gone down now, because of more land coming under the same water supply and many other difficulties. After the War, I think it was in 1922 when Mr. Penny assessed the other portions of the Lyallpur district, the Rakh Branch standard was adopted although he estimated that the average yield would be 25 maunds and this, when zamindars had a lot of money to spend, when we could buy manure and do agriculture in a better way and engage labour because we had enough to live upon. But now we cannot make the two ends meet and, therefore, it is difficult to put a penny for agricultural improvement. We can just live and have nothing to spare. Under these conditions I think the yields must have gone down and it is unfair to assume 30 maunds as against 25 estimated by Mr. Penny and 18 maunds taken by Mr. Dobson. It is said that when the zamindars go out they take some of their *kamad* and utilise it in many ways but in the experimental farms in the College and Government farms, nobody is allowed to touch the cane and nobody is allowed to take the *gur* away. This is all in addition to the labour spent, so much of supervision and so much of care taken to get the last chhatak out of the sugarcane area. Therefore this again is a defective method and is not fair. I am sure the Lyallpur zamindars are crying and they have asked me many times that they are prepared not

to touch their sugarcane crop this season. They are prepared to offer all their *kamad* to the Government and they are prepared to put it into the hands of the settlement officer so that he can go there and get experiments done before them and before himself and they are prepared to allow 500 or even 1,000 acres for this purpose and are not prepared to take a bit out of that unless the officer is satisfied. I am sure if an experiment is made on these lands the settlement officer will find that he is wrong by at least 60 per cent. if not more in the estimate of his yields.

I next proceed to the third principle (c)—experiments conducted by the district staff and I combine the other section, experiments conducted by the settlement staff. Here again it is very defective. No non-official, no zamindar is properly taken into confidence. When the officers go they select any acre they like. They consider this an average acre while in reality it is not so. What should be done is that an average of good, bad and indifferent area must be taken and experiments conducted on a large scale. What is done is, the officer goes and takes 2 kanals of wheat, 2 marlas of sugarcane and gets results out of that. He finds that so much is the yield out of that little area and then by rule of three he calculates that the yield of the whole field is so much. That brings in a lot of error. Even if there is an error of 1 in 20 it means an error of 100 in the total. This is erroneous and defective and requires a lot of improvement.

I come to the next item; the yields adopted by recent settlements of the adjoining districts. I do not see why we should go to the adjoining districts. But if we do, Montgomery is on one side and Jhang is on the other, their yields are certainly much lower than those adopted. Instead of going to adjoining districts, I think the recent settlements in Lyallpur district itself should be taken into consideration and as I have said before, and Mr. Dobson knows it too well, if a certain average was fixed in the Rakh Branch during the last settlement there is no justification for an increase now.

I now come to the settlement officer's own observations. I am sure the settlement officer has taken a lot of pains and we can rely much upon what he has seen himself and what he has done himself, because he is responsible for the whole show and he must have gone to the last detail in his calculation. He must have taken pains to reach exact calculations.

Next principle followed in (h) is the opinions gathered from trustworthy persons and accounts maintained by prominent zamindars. The trustworthy persons, I am sure, are generally lambardars and zaildars who are always *ji-hazurs*. It might be that the settlement officer instead of suggesting 80 maunds might have said 40 maunds and they would agree to it and he might have laughed at it. Some of the so-called trustworthy persons are now being got rid off, as is clear from the recent elections in Lyallpur. I suggest that the proper person to be selected should be a *pucca* zamindar. A *thet* zamindar be selected for this purpose who would say straight in the face of the settlement officer, whatever the true facts are and is not a *ji-hazur*.

Now, as regards accounts maintained by prominent zamindars, here again I might briefly mention one instance in Lyallpur. We have got a

[Mian Nurullah.]

prominent zamindar in Colonel Bruce who has sufficient experience of agriculture and who is running his farm in the best and most efficient and well managed way. I happened to see some of his records and data. From the accounts maintained by him in respect of sugarcane I find the average he got for the last few years is 20·7 maunds per acre. But the Assessment Report estimates it at 30 maunds. Is that in consonance with the facts and figures supplied by the prominent zamindars? I am sure the Financial Commissioner is in a position to enquire where Colonel Bruce got his figures from. If his figures are true I do not know how the assessment officer put it at 30 maunds, when 20·7 maunds is the average in a well managed farm of over 80 squares. I have gone through these in a brief way and I do want to emphasise that the yields given in the Assessment Report Abstract are certainly very high as compared with the last settlement. I would like my Lahore friends to take note of this and take a lesson and be careful and try to approach the settlement officer in the right way and put him on the right track, so that they are not harmed. The yields as compared with the last settlement are like this :

Sugarcane.—It is estimated to be 30 maunds now. In the Rakh area it was then estimated at 18 maunds and in the Jhang branch in 1922 when prices were high it was 25 maunds.

Cotton, American and Desi.—The average as per the Abstract is 6½ maunds. In the Rakh branch it was 4 maunds in the last settlement and in the Jhang branch 5 maunds.

The increase is recorded in the case of sugarcane in Rakh Branch at 66·6 per cent. and in Jhang branch at 20 per cent., in cotton 62·5 per cent. and 37·5 per cent., maize 14 maunds is taken now, while in the previous settlements it was 13 in Rakh branch and 13 in Jhang branch. This is also an increase. Toria is taken at 8 maunds while formerly it was 7½ maunds at each of the two branches. Wheat was 14 and 13 maunds. The averages recorded are a great increase although it is quite unfair to record it. The three most important factors that govern the settlement are the percentages of cropping, prices and yields. The percentage of cropping do not vary very much. The question of prices has been hit at in the right way and I am sure that the Government and the people both will be satisfied. It is due to this that we are having these settlements otherwise they would have been postponed. The third is the question of yields and that is the most important question. As I once said before, when you go through Sir James Douie's Manual, you will find that there is never a question of any decrease in any paragraph, while here is always a mention of the increase of revenue. Now, the other two questions being practically settled, the whole difference is being made in this, the question of yields which is the most important one. During all these settlements under the new system, one has to be very careful and I request my Lahore friends to be very careful. We will fight our case when the time comes, and I trust the officer in charge will look into it favourably. With these words I move my cut.

Mr. President : Demand under consideration, motion moved—

That the total grant be reduced by Rs. 100.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muham-madan, Rural): I support the amendment moved by my honourable friend from Lyallpur. How unjust it is to base a settlement on facts which are obtained in this artificial manner! The best yield of these fields should not be taken but only the average yield should be taken, as the standard of produce raised by a zamindar. It is absolutely unreal and it does not refer to the actual yield of the zamindar if you take the best field and reckon the prices on its yield. My honourable friend made it clear that these officers check a small area—and the best field is chosen for the purpose—and then no effort is spared in guarding it and taking its produce. Do you think that an ordinary zamindar can devote so much care and labour and expense to bring the land to that level of yield? He cannot possibly do so and if he were to spend so much care and expense, then there would be nothing left for him to meet the charges. This ought to be an estimate on the average yield. There is no other way in which a greater exploitation of the zamindar can be done. Look at the actual results, they will show that this is absolutely erroneous. I shall give you the figures of Ambala. In the Ambala district when the British made the first regular settlement, in the year 1867 or thereabout, the land revenue was fixed at 2 annas and a few pies per bigha and now it is 8 annas and then it increased from one settlement to another on account of the erroneous estimates which are based on calculations for land revenue of various districts. When that is the question, the Government must face the facts and if they go on exploiting the zamindar in this way, there will be nothing left for the zamindars. He finds it difficult to make both ends meet. He is starving and he has no clothes and no good bullocks and he cannot educate his sons on account of this heavy and exorbitant demand of the Government which is made heavier and heavier at every settlement. My honourable friend made it quite clear that there is never any question of decrease in any of the settlements so far undertaken in the Punjab. Do you think that the capacity of the land has increased or the rates for commodities have so much increased as to justify such an exorbitant rate of land revenue which is demanded from the zamindar? Not at all. If one looks at the figures that have increased from settlement to settlement, one is thunderstruck and wonders how the zamindar lives in the face of this demand from year to year. Therefore the Government must now cry halt to the method of exploiting the zamindar to the fullest possible extent. This land revenue is the worst curse of the zamindar and it is unjust to take so much from him.

Mr. President: The honourable member is not speaking to the motion.

Chaudhri Allah Dad Khan: I have been talking of the method of fixing the yield in various settlements and my assertion is that I am correct in stating what I have stated and I give examples that rates in each settlement have been increased on account of the erroneous method. I submit that fundamentally a wrong principle has been adopted in calculating the yields on which settlement is based. One honourable member may say that this is not excessive. I gave examples to show that the capacity of land has not increased and the yield has not increased but the land revenue has been increasing. This shows that there is something fundamentally

[Ch. Allah Dad Khan.]

wrong in this principle of assessment and that is the way in which I reconcile my arguments to the actual motion before the House. I say that as this premier town of the province is under settlement, the Government must have this principle adopted which is more just and must levy rates of land revenue which are in consonance with the actual conditions of the land and with the actual conditions of the produce of the land. For these reasons it is very necessary that the motion should be supported in order that the Government may take into account the various factors which my honourable friend has put before the House. I need not go into them, because he has very thoroughly dealt with these methods and I can simply make this appeal to the Government that the zamindar has reached the last stage of starvation up to which he can go and beyond this there would be nothing but breaking him. For this reason it is necessary that the settlement demand should be based on proper figures.

Khan Bahadur Mian Abdul Aziz (Financial Commissioner): I have very few remarks to make, on the subject that has been dealt with by the honourable member who has moved this motion. The first is that the method as actually in force is the result of a notification by the Government as approved by this House. There is nothing wrong in the method. As the honourable members know, that notification appeared in December, 1929, and it was previously discussed. All the various matters that a settlement officer has to consider are set down and we can not escape them. What the honourable member is displeased about is the actual result. Without entering into the matter in a controversial spirit, the actual result depends on many things, for instance, the same land in the hands of an ordinary cultivator, if it yields a maund of sugarcane, will yield much more in the hands of an *arain*. The settlement officer's duty is to arrive at an average which will correspond with the actual average in any area, and which is likely to prevail in the assessment circle for the length of the whole period of settlement. Therefore in particular areas a yield which the honourable member may consider as good enough may not be such as could possibly be taken as a representative yield. He objected to the quinquennial average. My information is, and the House will be interested to know, that these quinquennial averages started in 1897. We have been at it for nearly 40 years. The results of experiments from all over the province for each particular district are reported to the Director of Land Records as the experiments take place in each district. The results of experiments conducted by the Agricultural Department are reported to the Director of Agriculture each year. These two officers sit down together and they collaborate and reach conclusions and reject all experiments which from their point of view give either too high or too low a yield and this procedure is very rigidly followed every year. At least this is my information. I can say from my own personal knowledge that district officers who conduct such experiments never send up those experiments in which the yield appears to be excessive. A large number of them are kept back and even out of these the Director of Land Records and the Director of Agriculture after examination reject experiments where yield is too low or too high. But the trouble once again about these yields is that the average is low enough. Dealing with this question of yield, the settlement officer has to determine according

instructions the yield for each particular class of land that is to say well-irrigated, canal-irrigated, *sailab*, *chahi* and this is the yield which is used in the report that deals with the assessing of a tract. Most people suffer from a confusion of ideas when dealing with the subject of yields. The settlement officer does not use in his report the yield which appears in the Season and Crops Report returns or in the various forecasts, he uses the yields for each class of land and he applies them to the matured acreage. The House will be interested to know that a settlement officer thought that the matured area was given too high and he promptly reduced this whole *nahri* matured area by 5 per cent. and said that enough *kharaba* was not given. For the *barani* area he reduced by eleven per cent. and it is to those

reduced areas that he applied the yield which for each class of land irrigated, *barani*, *sailab* and *nehri*, he considered to be the suitable yield. There is no reason whatsoever to assume that a settlement officer would go out of his way to assume a yield which was excessively high. As a matter of fact, there is no reason to assume that he does not do the very best that he can by consulting responsible zamindars,—I will just give the reason why he is bound to do it. There is no reason to assume that he does not accept the best advice that is available to him apart from experiments. With regard to experiments alone there are huge instructions. In fact the Government appears to be absolutely fanatically particular with regard to instructions on this question of yield. We have been at it for over forty years. There is the Financial Commissioner's Standing Order No. 9-A ; there is Appendix No. 10 to the Settlement Manual which tell the settlement officer that he must, unlike the ordinary district experiments, select not two kanals of land but fields of nearly an acre. It is little known to other people that there are other instructions from the Government of India contained in a small pamphlet containing about four pages of instructions about the method of estimating outturn. Even before these instructions were in use, that *Guru* of settlement officers, Mr. Wilson, was following a method which has been practically copied in the Settlement Manual. Great care is taken but still the subject of outturns is difficult and I must say that very few people realize that that is applied to the matured acreage in a circle. The necessary deductions are made and if the yield were too low the result which I have hinted at before would follow and that is this. I had better read a line from the Land Administration Manual so that honourable members may understand what I am hinting at. This House is the representative of zamindars and honourable members will appreciate it. The sentence reads—

“Rent cases are for the most part heard by *tahsildars* and *naib-tahsildars*. They are often by no means simple in their nature. More than one half of the total litigation in revenue courts in the Punjab fall under this head.”

and the head is “Suits for arrears of rent.” When owners of land go and claim rent which is to be paid to them by the tenant, the rate adopted is the settlement rate. If by any chance the settlement officer were to adopt yields which are not justified by his experiments, by his enquiries, it would be such a terrible fine on the land-owner because settlement yields are also adopted for assessing the rents payable to him. This House should therefore think ten times before criticising the results which are based on forty years' experience. I can find thousands and thousands of tenants who, if the yield

[K. B. Mian Abdul Aziz,]

of cotton were to be placed as low as the honourable member has suggested, would never pay rent and say: "Very well, recover it," because it would pay them in the case of *batai* rents not to pay in kind but pay according to the settlement yields if those yields were low. I do not think that this is a matter which could be lightly considered in view of the sentence which I have just now read that half the litigation in revenue courts is about arrears of rent. I can tell the House without any fear of bias in favour of the tenants or of the owner that I have known cases where we have appointed referees under the Tenancy Act—if honourable members want their names I can give them—for appraising crops, and in each particular case, I can assure the House from my own experience, that the naib-tahsildars and tahsildars when dealing with this class of cases find that the referee's finding as to the actual yield always is very much more than what the settlement officer's average yield is. It is not, therefore, a subject to be lightly dealt with. The settlement officer does his duty under very difficult circumstances. Correct information is not available; the time for conducting experiments which are after all carried out by naib-tahsildars and responsible zamindars is very limited, and the settlement officer does try his best to select average fields for an average village in each circle to cover all classes of lands. And even if his own experiments are not conclusive there is a whole chain of experiments existing in the district and in the neighbouring districts of over thirty or forty years and the experiments of the Agricultural Department. Therefore even though there may be a complaint, perhaps a well-justified complaint in a particular case there is no reason to assume that anywhere the yield assumed at a settlement or the method of arriving at these yields is at all defective. And I once again very respectfully tell the House, particularly the zamindar members, not to fall into the clutches of their newly found friends who are learned only in statistics and who tell them: "You are suffering this, you are suffering that" and allow the thin end of the wedge to set the tenants against the proprietors. With these remarks I oppose the motion. (*Cheers*).

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural), (*Urdu*): I am very much surprised to hear the speech of the Financial Commissioner defending the method of fixing yields. He was pleased to remark that the settlement officer goes to the villages in person to prepare the estimates of yields for settlement operations. It appears to me that the Financial Commissioner has never been to a village, and has spent all his life in the cities. Had he gone to a village and seen these things for himself, he would never have made such an observation.

In every village there is a patwari, who is entrusted with the work of preparing estimates of yields. The patwari offers his report to the kanungo; the kanungo forwards it to the naib-tahsildar; the naib-tahsildar passes it on to the tahsildar; and the tahsildar submits it to the settlement officer. None of these officers stirs from his seat to go to the village to find out the quality of the crop or the condition of the soil. They remain at home and receive the report from the patwari, who in reality does the whole work. When the report comes to the settlement officer, he regards it as perfectly correct and accurate, and affixes his signature to it in approval. The poor zamindar is not at all consulted or taken into confidence.

Apparently, the whole system seems to be highly elaborate. But, unfortunately, the statement of the subordinate staff is taken for gospel truth, and the superior officers never bother themselves to make any inquiries in that connection. If the patwari happens to be on bad terms with any zamindar, the poor fellow is doomed. The patwari is the monarch of all he surveys. He can show barren land as rich and fertile; and fertile land as fallow and barren. Nobody questions his statements and reports. In the Narowal tahsil an area is well cultivated and contains very rich crops. The zamindars somehow please the patwari, who in his report showed that the condition of the crops in that area was very poor with the result that the payment of land revenue was postponed. But the case of Pasrur is quite the reverse. A hill torrent used to pass through that place but it has since changed its course; and the soil has been rendered unfit for cultivation. The whole area is famine stricken; and the condition of that place is reminiscent of the days of Joseph, when there was an appalling scarcity of food. For the last twelve years there has been no rain in that area. The inhabitants of that place are unable to keep even body and soul together. Their cattle are starving. They have sent their children to their relatives because they themselves are unable to give them food. But the gracious settlement officer has been pleased to remark that the crops of that place are exceedingly good and that land revenue must be realized from the inhabitants. In that case the subordinates have submitted a particular report, and the settlement officer has quietly accepted it. He knows next to nothing about the actual state of affairs obtaining in that area. It is really a pity that a responsible officer of Government says that this method of arriving at yields is not defective. A casual observation can give the lie to this assertion.

The Honourable Mr. D. J. Boyd : Might I ask if the honourable member saw the settlement of his own district, the Sialkot district? Did he watch it?

Chaudhri Asadullah Khan : I have given only an illustration, and the Honourable Finance Member should not feel offended. I know truth is always bitter, but I can not help speaking the truth. We are the representatives of the people, and it is our bounden duty to represent them truly.

The Honourable Mr. D. J. Boyd : But have you seen anything with your own eyes?

Chaudhri Asadullah Khan : Yes, I am telling you what I have seen with my own eyes. I am not like you who see nothing for yourself and yet make statements on the floor of this House in such a way as if you have seen things with your own eyes. I most earnestly submit that this method of arriving at yields is not only defective but is also unfair and inequitable. The settlement officer never cares to inquire into the work of his subordinates and he invariably depends on the figures supplied by the patwaris. If he would deign to go to the villages personally, the plight of the zamindars would not be so wretched and pitiable. I strongly urge that he should not count merely on the report that is supplied to him by the patwaris. With these words, Sir, I lend my whole-hearted support to the cut motion moved by my honourable friend Mian Nurullah.

The Honourable Mr. D. J. Boyd (Finance Member): I think I am bound to say that I saw the Financial Commissioner's work for four-and-a-half years throughout the settlement of the last speaker's own district. I am practically certain that there was not a village in that whole district, in those days there were 2,500 of them, but I do not think there was a single village in the whole of that district that was not visited and many of them were visited several times either by me or by the assistant settlement officer or extra assistant settlement officer. I personally visited, I remember, 2,000 of them. Of course, a few of them are *bechara*, but every single one in the whole lot of them was I believe visited by the Financial Commissioner who has recently spoken. (*Interruption.*) That is untrue. If the honourable member's (Chaudhri Asadullah Khan) own brother were here at the present moment I am perfectly certain that he would not contradict me because he saw what we were doing. Several times he came to see me and talked about various things connected with the settlement. One of the things that a settlement officer has to do is inspection of villages. That compels him to go into every single village because he writes a note about the soil, about the mortgages, about the whole condition of the village. My own plan was this. I rode to a village, the people were warned beforehand of my coming and the direction from which I was coming. People met me on the border and I asked about the conditions in the various parts of the village. After that I trotted or cantered over the village lands to see what the soil was like and whether the villagers who met me were true in their statements. After riding over the village I sat down and wrote my note on the spot about the whole condition of the village. The villagers were allowed to tell me what they liked to say and this was my part of the duty at the settlement of Sialkot district. The present Financial Commissioner's part was to examine measurements and assessment notes and to attend to the land records, to help me with the preparation of the assessment statement and so on. For four-and-a-half years the Financial Commissioner did that and I am practically certain that he saw every one of these 2,500 villages and that what has been said by the last speaker was little better than a libel. (*Cheers.*)

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): As it is a question of life and death for the zamindars, I think I should also give a little of my own experience as regards the yields of the crops in the Punjab. I think there has been a little misunderstanding on the part of the Financial Commissioner when he says that every field is inspected by the settlement officer before that field is selected for the crop experiments. He never does it. There is no doubt that the settlement officer when he has to write inspection notes has to go to each and every village. But that is not for the purpose of selecting fields for crop experiments, but to find out the general condition of a village as a whole.

That is absolutely necessary because at the time of announcing assessment, he has authority or discretion to go above or below the rates which have been sanctioned by the Government or the Financial Commissioners. If the quality of land of a village is very good then he can go up to 5 or 10 per cent. over those rates. I am not sure whether it is 5 or 10 per cent., because I am speaking from memory. However, I think I am correct in saying that there is a certain percentage on this point. If the soil of the

village is very poor he can go below those rates. That is the reason why he has to go to the villages where he notes down the general condition when he trots, canters or gallops over the whole areas of the villages and not for the purpose of selecting fields for crop experiments. I hope that this House will agree with me that when a settlement officer trots, canters or gallops over the area of a village he can obtain a bird's eye view of a village, and cannot be in a position to estimate the yield of a particular field. The fact is that a settlement officer never takes the trouble of selecting fields for crop experiments himself. The fields are selected in this way. First of all the patwari makes a report about the fields of wheat, gram or other crops and then he makes a report to the kanungo, who in his turn submits his report to his superior officers, i.e., tahsildar or naib-tahsildar and then they themselves go to the spot and select the field. They also find out whether the field is of average quality or of below or above average quality. When the time comes for finding out the actual yield there is no doubt that the kanungos or the patwaris are told by the revenue officer to be on the look out so that the zamindars may not steal or make away with a portion of the crop, but they find it very difficult to do that because it lies on the threshing floor for a long time. If they find that the yield is either much more or much less than the average yield, then some mental manipulation comes to their rescue.

Then there is another matter which they have to bear in mind, that is, that they always keep in view the yields of the last settlement. If they find that the actual yield of a field has been much less than the average they report the fact, and it is invariably rejected, though that may be the actual yield. If the actual yield of a field is less than the yield adopted at the time of the last settlement it is rejected. The chief guide for the revenue officers is generally the yield adopted at the last settlement.

Then it has been stated by Khan Bahadur Mian Abdul Aziz, the Financial Commissioner, that only those yields are adopted which are likely to accrue from a field. This is a hypothetical question. A settlement officer does not deal with hypothetical questions, but has to assess the land revenue upon the actual yields which the zamindars of a particular locality can obtain from their land. It is not a new thing and all the zamindars know now how assessment is worked out. They know it very well how assessment is arrived at. The settlement officers have not to deal with hypothetical questions, but they have to deal with the actual state of affairs in the villages and also in a circle or tahsil or in a district as a whole. The settlement officer has not sufficient time to devote to matters of detail. He has after all to rely upon the reports of his subordinates and these subordinates generally try to please him. I do not cast any reflection upon the officer, but any one who is acquainted with the machinery of Government is well aware that every superior officer has to depend upon the reports of the subordinates and those subordinates generally try to please their superiors. They have to prepare figures which may bring out assessment a little more than the expired one. You must have seen that in the districts where there has been no increase or where there cannot be any increase in assessment, generally the settlement of those districts is postponed. I do not want to mention any particular tract or tahsil or district but I know that some of them where on account of deficient matured area or on account of low prices owing

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to economic depression, the Government could not get sufficient increase in the assessment, the assessment of those districts was postponed.

I have made these few remarks on the basis of the speeches which I have heard and in my opinion sufficient care is not devoted to the finding out of yields at the time of settlement or during the currency of a settlement. There is great room for improvement. I therefore support the amendment of the honourable member from Lyallpur.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): The motion relates to a discussion of the actual method or methods adopted by the settlement officers in order to estimate the average yield per acre. Perhaps the actual results may not be directly relevant but if those results differ very materially from other results which are trustworthy the latter can certainly be pressed into service to show that the method actually adopted must have been wrong. Therefore, I wish to make use of the argument which was put forward by one of the previous speakers based on actual yields which have now been adopted and which are in excess of the yields which were adopted on previous occasions. In one case I find that the difference is as much as 12 maunds per acre. Mr. Dobson adopted 18 maunds per acre as the average yield but the yield adopted by the settlement officer in the present settlement operations is as high as 30 maunds. Therefore, I am entitled to argue that this substantial difference indicates that the method adopted is defective. In the same way I find that in another part of the Lyallpur district the yield adopted by Mr. Penny was 25 maunds. The yield adopted now is 30 maunds. (*An honourable member*: On what crop?) I am speaking of sugarcane. This shows that instead of applying the ordinary law of diminishing returns the settlement officer has been applying the law of increasing returns. This clearly shows that the method adopted is defective in a very substantial degree. Instead of making an allowance for progressively smaller returns the settlement officer has adopted progressively increasing returns which I consider to be fundamentally wrong.

Khan Bahadur Mian Abdul Aziz: Is not the honourable member aware that better sugarcane the Coimbatore variety has been introduced and is yielding better results?

Rao Bahadur Chaudhri Chhotu Ram: I am not quite sure that the varieties of improved sugarcane alleged to have been introduced in the Lyallpur district have really affected the district as a whole. It may be that they have been adopted by only a very small proportion of the zamindar population. We are not here dealing with large farms which are managed by Government under the direct supervision of its officers, but we have to deal with the petty peasant or even an average zamindar who owns 5 acres, or 10 or 15 or 20 acres. I do not think that this type of the zamindar has been able to adopt improved varieties of sugarcane imported from Madras.

Again, a reference was made that the yields put forward by the subordinate officers of the Revenue Department are checked by the Director of Land Records and the Director of Agriculture together, and if these two officers find that the yields actually adopted are either too high or too low

they are rejected. I do not understand upon what basis these two officers proceed. Do they proceed upon *a priori* grounds and say that this particular yield is too high or that particular yield is too low? After all they must have some definite data on which to proceed. As a matter of fact if I understand rightly then probably what Khan Bahadur Malik Zaman Mehdi Khan has suggested seems to be true, that is, if these officers find that the actual yields which have been suggested for adoption are lower than the yields adopted in a previous settlement they would reject them.

Khan Bahadur Mian Abdul Aziz : Each experiment depends on the number of waterings and the soil and if the governing factors are different then the examining officers come to different conclusions. (*An honourable member :* The Honourable Member is making another speech).

Rao Bahadur Chaudhri Chhotu Ram : There was absolutely no reference made either to the number of waterings given to a particular field or anything else in the speech made by the Honourable Financial Commissioner when he was on his legs to oppose the motion of my friend. It is an after-thought, and my friend Khan Bahadur Malik Zaman Mehdi Khan who has an expert knowledge of the department may reasonably claim to be given another opportunity of meeting that argument.

A reference was also made to the effect that responsible zamindars are consulted as to average yields. If by responsible zamindars is meant lambardars and zaildars, we can very well understand what their opinion will be. They are always out to please revenue officers because these officers can make or mar their careers as lambardars and zaildars. If by responsible zamindars is also meant men with education, men with independence of character, I from my limited experience can venture to say that they are very seldom consulted by the revenue officers. I will quote an instance of one very responsible zamindar whose name has been mentioned by the mover of this motion—Colonel Bruce. I have had occasion to see his accounts. He keeps very complete and regular accounts extending over a large number of years in respect of every crop and in respect of every field. We had an occasion to see those accounts while he was working as a member of the Water Rates Inquiry Committee. If he cannot be accepted as a responsible zamindar I fail to understand who else can be. In the case of sugarcane his average yield per acre has been 20·7 maunds.

The Honourable Nawab Muzaffar Khan : What about wheat ?

Rao Bahadur Chaudhri Chhotu Ram : No mention has been made about wheat by anybody, so I am not in a position to say what his average yield of wheat is. But in respect of sugarcane obviously there is a difference of very nearly 10 maunds per acre. Again, the selection of fields does not seem to be in sufficiently responsible hands. The actual selection is made by the patwari who sends the report to the girdawar kanungo who in his turn sends it to the tahsildar or the naib-tahsildar. Here again the expert knowledge of Khan Bahadur Zaman Mehdi Khan has come to our help. He says that the actual field which is selected for purposes of finding out average yields is not of the average quality. It is always somewhat above the average in the quality of its land. In matters of settlement operations even a slight difference to the disadvantage of the land owner, will make a very large difference in its effect, particularly when we are dealing with

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peasant proprietors. Perhaps in the case of very large landholders it may not matter so much, but in the case of people who have a limited margin of saving even in prosperous years it becomes a matter of life and death even if a slightly higher rate is assumed for the yield than is actually justified by results. So, I beg to submit that the motion tabled by the member representing Lyallpur is a very reasonable one, and if Government feels that there is some force in the criticism which has been made by non-official members of this House it should have no hesitation in appointing a small committee consisting of experts and also non-officials to go into the question. Just now, the ordinary average zamindar is in a very sad plight. He finds it very difficult to make the two ends meet. Therefore, a mistake made at the present time is likely to affect him very badly indeed.

I will also draw the attention of the House to one more fact. Four or five years ago an amendment was made in the Land Revenue Act to the effect that the Government cannot claim more than 25 per cent. of the net assets. I fear that the present higher yields are an indication of an attempt to circumvent that amendment. As the Government is not now in a position to claim more than 25 per cent. of the net assets, its officers are inclined to adopt higher average yields than are actually justified by a fair test. Under the circumstances I lend my whole-hearted support to the motion of my friend from Lyallpur.

Rai Bahadur Lala Sewak Ram (Multan division, non-Muhammadan, Rural) : The demand before the House is for a grant for settlement operations in Lahore. If the people of Lahore are to be treated after the settlement is over in the same way as the people of Lyallpur are being treated at present, then I am sure the House will not vote for this demand and will not approve of settlement operations being taken up for Lahore. We have just got in our hand a document showing the details as to how the yields of outturn have been made up. This document itself is very complicated and one cannot understand it easily. I think it can be understood only by such economists as Mr. Manohar Lal and by the experts of Government. I doubt whether even the Honourable Revenue Member can understand it. It is not a very simple document which anybody can understand. Anyhow, so far as I am able to understand it, I think that the yields have been so worked out that there may be no diminution to the revenue of the Government. The yields worked out in the Lyallpur district, instead of bringing down the revenue as was expected by the people of that district had actually increased the revenue. The first settlement of Lyallpur was done by Mr. Dobson and the second by Mr. Penny. The prices prevailing at present are the same as those that prevailed in the time of Dobson's settlement. So, it was believed that the revenue would be brought down to the level which was recommended by Mr. Dobson and accepted by Government. The present revenue has been fixed not even at Rs. 6 per acre which was fixed by Mr. Penny in his subsequent settlement, but has been raised to Rs. 6-10-0. It was after a number of resolutions passed and a number of cuts made in the budget during the past 8 or 10 years that we got a new settlement made for the Lyallpur district before its due time and we thought that considering that the yields had gone down so much we would get the benefit of it in the settlement.

Instead of that the Government have taken up higher yield figures and consequently raised the revenue rates. I fear that probably the same will be the fate of the Lahore people.

Another point that I wish to refer to is the fact that His Excellency the Governor gave us an encouragement that by this sliding scale we would be making a saving. But from the figures worked out by the settlement officer we find that there is no saving at all in the land revenue. If this is to be the case in Lahore also, if the yields are going to be worked in such a way that the sliding scale is not going to bring about any saving in our land revenue, then, I do not see any good of having this settlement. I do not wish to take up any more time of the Council. I would only request the House to pass this cut motion if not for anything else, at least to tell the Government that they have done no good at all in the new settlement in the Lyallpur district and that if the settlement in Lahore is to be carried on on the same lines, on the same basis and on the same method of sliding scale as in Lyallpur, there is no use of going on with these settlements; the less money spent on these settlement operations, the better. (*Hear, hear*).

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhamadan, Rural) (*Urdu*): I rise to support the motion now before the House. It is undoubtedly true that the way in which the average produce of lands is estimated is certainly very defective, and consequently very harmful so far as the interests of the zamindars are concerned. What is generally done in making such estimates is that the best field in the area to be assessed is selected and the produce from that field is taken as the basis for finding out the average produce of lands in that area. I am sure that the honourable members are aware that trouble is not taken by the settlement officers and their staff to inspect every field in order to find out the average produce. I shall be excused if I say that the mentality of these officers is always very curious. They do not at all care if the zamindars stand to lose by their method of calculations. Of late these officers have become very ease-loving. Some years ago when motor cars had not come to be used by the settlement officers and when they used to go to inspect the area under settlement on horse back, they used to take at least some interest in this work. But since these motor cars have come to be used, they have ceased to take even that little interest in this work which they used to take before. What now generally is done is that only such fields are inspected by these officers which lie on the main road and which can be reached without the least possible trouble to them. And to be true even such fields are not inspected by these officers themselves. Usually their munshis go ahead of them and they inspect these fields for their officers and the officers on their turn jot down the report on what they are told by their munshis. There is yet another reason why the interests of the zamindars are so ruthlessly sacrificed. I really wonder why these settlement officers act in this manner, but there is no doubt about it that at every step in these settlements the interest of the Government is kept in view. In everything that is done it is done with one idea and with that idea alone, that is to get as much as possible for the Government. That is and that has been always the guiding principle of these officers and even of their staff in these settlements and it is one of the main reasons why the zamindars are never satisfied with the results arrived at by the Government after every settlement. So far as the petty officials and

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the patwaris are concerned, their mentality is well-known. They do not care a bit for the zamindars and their interests. It has become a proverb that

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meaning thereby that the patwari has every power to do anything that he likes. These patwaris do not care to give even kharaba to the zamindars and that for more than one reason. In the first place they, like their superior officers, do so to please the Government and its officers. They know or at least they have come to form this impression that if they help the zamindars and in so doing they show any decrease in the revenue, the officers of the Government will come down upon them and that they will incur their displeasure. The other reason why they act in this manner is that they know that if they give kharaba, they will have to go to the tahsil headquarters to compile the records where they will have to spend so much from their own pockets owing to their allowance and pay being very small. For these and other reasons the zamindars are made to suffer. Every officer from the lowest to the highest tries to guard the interest of the Government even though in doing so he may have to sacrifice the interests of the zamindars. It is quite true that because of this mentality of the officers the interests of the zamindars are generally sacrificed.

There is one other serious complaint that I must make in this connection. The Government and its higher officers have learnt to act on the reports submitted to them by their subordinates. They do not care to take the trouble of knowing things for themselves even if it be necessary to have first hand information in certain matters. Even the members of the Council are not believed in what they say or may say against such reports. A crop in a certain field may have been spoiled and may have altogether failed, but if the report of the patwari says that the crop has not failed, the usual rates will be charged even though the higher authorities have by some chance come to know that the report in fact is not true. I have been told that in a case in which a woman was involved and in which that woman had married another man, her first husband, who had appeared on the scene after a long time and who had claimed back his wife, was declared to have died simply because the files said so although he was present in the court and before the judge declaring him to be dead. This is how things are done by our officers. I and in fact every one of us in the chamber and even outside it have no complaints about the existing rules and regulations by which the administration is alleged to be carried on. But we have certainly a grievance against the way in which the officers of the Government enforce these rules and in which they act on behalf of the Government. Sometimes these officers are empowered to buy land for the construction of railways or for some other purposes. They have to fix the price of land. In fixing the price they sacrifice the interest of zamindars to get titles or jagirs. In such a way these officers become habituated to these things. We have so much to say against these settlement officers. I remember Sardar Hotu Singh, Settlement Officer, in the settlement of the Jullundur district, sacrificed the interests of the zamindars.

The Honourable Nawab Muzaffar Khan : The honourable member is referring to one of the best officers who is no more to defend himself. I would request him not to refer to him.

Chaudhri Muhammad Abdul Rahman Khan : I do not know how many squares of land he was granted by the Government as a reward for sacrificing the interests of the zamindars for the sake of the Government and how many of his sons and other relations were able to get Government employment for his services during the course of that settlement.

The Honourable Nawab Muzaffar Khan : This is too much to say about that officer who had such a brilliant record of service. The honourable member has made the position worse.

Chaudhri Muhammad Abdul Rahman Khan : It is a fact that after every settlement the rates of land revenue are enhanced although it is also a fact that the productive power of the lands has deteriorated. At the time of settlement the revenue is fixed according to the price level that is prevalent at the time. If prices are high at one time and thereafter they become low the zamindar has to lose very much due to the fall of the prices. Time was when only 2 annas per kanal were charged, but now these rates have gone up to 8 annas per kanal in spite of the fact that these lands do not yield as much as they used to yield before. There are many other things which are lost sight of in estimating the income from these lands. I have, therefore, no other alternative but to oppose the grant and to support the cut motion now before the House.

The Honourable Nawab Muzaffar Khan (Revenue Member) : In the first instance I protest most strongly against the attack on absent officers and particularly on an officer who is dead and whom I knew personally. He was one of the finest officers of our provincial service with a brilliant record (*Hear, hear*). It is a pity that the officers who are not here to defend themselves should be attacked in this manner.

Mr. President : The honourable member has withdrawn the remarks.

The Honourable Nawab Muzaffar Khan : No, Sir. He has not withdrawn those remarks so far.

Mr. President : I would ask the honourable member to withdraw them if he has not already done so.

Chaudhri Muhammad Abdul Rahman Khan : I withdraw.

The Honourable Nawab Muzaffar Khan : I must admit that the estimating of the average yield of each crop on the different classes of land is certainly a difficult task, particularly when the tract extends over a large area. But a glance at the Abstract of the Assessment Report will show you that every care is taken and that the estimating has been strictly in accordance with the rules. My honourable friend objected to the rules. The rules, as has already been pointed out by the Financial Commissioner for Revenue, were framed by Government and approved by this House. If there is any defect in them, I think the proper course for my honourable friend is to suggest amendments to these rules and Government would be prepared to consider them. He has not told us as to what new method he would like us to adopt. It is not any single factor but various factors are taken into account before the settlement officer arrives at his

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conclusion. Exception has been taken only to one or two methods by the honourable member. For instance, Rao Bahadur Chaudhri Chhotu Ram has said that the fields are generally selected by the patwaris. I was surprised to hear that from an honourable member of his experience. In my own experience—I have seen two settlements as a zamindar of the district—these rules were observed very strictly. Selection is always approved by the tahsildar. It is laid down in the Rules that the settlement officer or the extra assistant settlement officer should himself see and approve as many of the fields as possible. It is not always the best soil he selects. Again it is always the tahsildar and sometimes with the permission of the settlement officer, the naib-tahsildar that is put in charge of it. Every care is taken. Of course this certainly gives a little higher average as compared with the yield of the zamindar's lands. Because no wastage is allowed. I admit that. Similarly as was pointed out by my honourable friend the experiments conducted by the Agricultural Department are also done very carefully and there is very little wastage in their case also. But if Chaudhri Sahib would just see the Settlement Manual he will find that always an allowance is made for these things. For instance on page 163 of the Manual he will find that in arriving at these results all these factors are taken into account in fixing the average yield. The words of the Manual are "In using the results of crop experiments some allowance may be made for the fact that in fields selected for experiment less wastage is allowed to occur than in ordinary fields." Some of the friends opposite seem to be under the impression that both the settlement officer and the Government are out to do the zamindar down. This was really surprising. Government has every sympathy with the zamindars. The House knows that the Government has only recently taken a very bold and most generous step in introducing the sliding scale system of assessment. The land revenue in future will be guided by the prices current in the previous year. That alone should have shown the House what great sympathy Government has for the zamindars at large.

It is surprising that the mover of this motion has mentioned only those crops where the average yield was higher as compared with previous settlement but has overlooked other crops where there has been no or little increase. I admit that in the case of sugarcane, cotton and wheat there has been a small increase. In the case of cotton there has been an increase of 20 seers per acre only. The settlement officer has given very good reasons for these increases. As a zamindar I have not much experience of sugarcane and cannot say with certainty about this crop, but as regards other crops, I can honestly say that the averages are not excessive.

In the case of sugarcane the reason that the settlement officer gives is this that many Coimbatore varieties have been introduced and these are very heavy yielders. The honourable member has made no mention of crops like toria, and gram in which the rates are same as on the last settlement. These are the principal and important crops.

Rao Bahadur Chaudhri Chhotu Ram : They ought to have gone down.

The Honourable Nawab Muzaffar Khan : Again another honourable member was pleased to remark that Government gives squares or titles in order that these people should raise no objection to high assessments or yields. Why should the Government take all this trouble only in order to unnecessarily raise the assessment? I think my honourable friend Khan Bahadur Zaman Mehdi Khan who has been a settlement officer will bear me out that this is not a fact. The various instructions that have been issued from time to time both by Government and by Financial Commissioners to the settlement officers have been that they should not assess high. This has been the corner stone of the policy of the British Government so far back as 1846 and I think it still holds good.

Rao Bahadur Chaudhri Chhotu Ram : Not after 1929.

The Honourable Nawab Muzaffar Khan : Perhaps the House would be interested to know that Sir John Lawrence when Commissioner, Jullundur, gave the following instructions to the settlement officers and I challenge the honourable friend from Rohtak (Rao Bahadur Chaudhri Chhotu Ram) to contradict me. Sir John Lawrence was ever for low assessment. Writing to George Christian when entering on settlement work he said "Mind you, assess low, if you do not, I shall be your enemy for life and indeed what is worse, you will be your own. Let nothing tempt you to assess high." These were the instructions which were issued in 1846. Is there any reason why as a Revenue Member and as a zamindar I should allow any such thing or encourage a settlement officer to assess high? I know, as I told you that the task of estimating the average yield is a difficult task and I do not claim perfection for it. There may be mistakes here and there, but it is for you to show and it is for us to listen. The abstract was issued in September and I hope the objections have been lodged. If so, they will receive very careful consideration of officers concerned. With these words I oppose the motion to reduce the grant.

Mian Nurullah : I do not want to take much time of the House in replying to this debate, but one thing I do want to clear up. The greatest point made by Government was that in spite of these rules and in spite of the officers following these rules, it is impossible to get an average which is above the maximum of any particular item in the whole lot. That is an arithmetical problem which the honourable members of this House should know. There are four or five methods by which average is taken. What I have said is that the average which is actually going to affect us and is going to form the basis of assessment is the average mentioned in a *communiqué* issued in Lyallpur and that average seems to be more than all the averages. If you have two methods and one gives you 40 maunds and the other 20 then the average is going to be 30 but not lower and that is the greatest point on which there is some misunderstanding and I do hope that the House will realize that. Secondly, the Leader of my party has suggested that a committee should be appointed in which officials should sit and this question may be pondered over and decided by them and if necessary new rules may be adopted and he has suggested that unless this is done, this motion should be pressed.

Mr. President : Question is—

That the total grant be reduced by Rs. 100.

The Council divided : Ayes 35, Noes 29.

AYES.

Afzal Haq, Chaudhri.	Muhammad Hasan, Khan Sahib
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Makhdum Shaikh.
Akbar Ali, Pir.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Allah Dad Khan, Chaudhri.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Arjan Singh, Sardar.	Muhammad Sadiq, Shaikh.
Asadullah Khan Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Bhagat Ram, Lala.	Mukand Lal Puri, Rai Bahadur Mr.
Bishan Singh, Sardar.	Nathwa Singh, Chaudhri.
Chhetu Ram, Rao Bahadur Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Faqir Husain Khan, Chaudhri.	Nur Khan, Khan Sahib Risaldar Bahadur.
Habib Ullah, Khan Bahadur Sardar.	Nurullah, Mian.
Haibat Khan Daha, Khan.	Pandit, Mr. Nanak Chand.
Jyoti Prasad, Lala.	Ramji Das, Lala.
Lekhwati Jain, Shrimati.	Ram Sarup, Chaudhri.
Mangal Singh Man, Sardar.	Sewak Ram, Rai Bahadur Lala.
Mazhar Ali Azhar, Maulvi.	Zaman Mehdi Khan, Khan Bahadur Malik.
Mubarak Ali Shah, Sayad.	
Muhammad Abdul Rahman Khan, Chaudhri.	
Muhammad Eusoof, Khwaja.	

NOES.

Abdul Aziz, Khan Bahadur Mian.	Jogendra Singh, The Honourable Sardar Sir.
Anderson, Mr. J. D.	Kesar Singh, Rai Sahib Chaudhri.
Askwith, Mr. A. V.	Labh Chand Mehra, Rai Sahib Lala.
Bansi Lal, Chaudhri.	Macfarlane, Mr. D.
Bourne, Mr. F. C.	Manohar Lal, Mr.
Boyd, The Honourable Mr. D. J.	Mayadas, Mr. E.
Bradford, Mr. W. G.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Dobson, Mr. B. H.	Muzaffar Khan, The Honourable Nawab.
Fazl Ilahi, Khan Sahib Shaikh.	Puckle, Mr. F. H.
Firoz Khan Noon, The Honourable Malik Sir.	Parkinson, Mr. J. E.
Ghani, Mr. M. A.	Rahman, Khan Bahadur Dr. K. A.
Gokul Chand Narang, The Honourable Dr. Sir.	Roberts, Professor W.
Grindal, Mr. A. D.	Shah Nawaz Khan, Nawab Khan.
Gurbachan Singh, Sardar Sahib Sardar.	Shave, Dr. (Mrs.) M. C.

Sheo Narain Singh, Sardar Bahadur Sardar.

Mr. President : Question is—

That a supplementary sum not exceeding Rs. 44,790 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, 1936, in respect of Land Revenue.

The motion was carried.

GENERAL ADMINISTRATION (RESERVED).

The Honourable Nawab Muzaffar Khan (Revenue Member): I move—

That a supplementary sum not exceeding Rs. 58,560 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, 1936, in respect of General Administration (Reserved).

The motion was carried.

POLICE.

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

That a supplementary sum not exceeding Rs. 72,670 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, 1936, in respect of Police.

Mr. President: Motion moved—

That a supplementary sum not exceeding Rs. 72,670 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, 1936, in respect of Police.

Shahidganj disturbances.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana Muhammadan, Rural) (*Urdu*): The attention of the Government has been drawn many a time before and I have made it amply clear to them that the expenditure on the Police Department is excessive and that it ought to be reduced. It is most unfortunate that the Government themselves create a difficult situation with the result that they have to increase the strength of the police to handle it. The Government by their awkward handling of a situation make matters worse and in the end find that it has become an issue of far greater importance than they could ever imagine with unrest and consequent increased expenditure on police following in its wake. If Government were to proceed wisely and handle matters with tact I am sure the necessity for increasing the strength of police will gradually disappear and the expenses in this connection will also decrease. But Government always turn a deaf ear to what we say. I may mention here, that on a previous occasion the Honourable Finance Member in the course of a debate made an uncalled for remark to the effect that "some members make allegations against the Government." Although it had no reference to any particular member yet it shows the spirit in which our remarks are taken by Government. If you were to take the case of Shahidganj you will find that what is wanted is not an increase in the police force but on the contrary it is the policy of the Government that requires revision. The first thing that I want to submit in this connection is that in the beginning when the trouble in connection with the Shahidganj first cropped up the Government proceeded with it very wisely. They proclaimed that there were no apprehensions of the mosque being demolished and that they would not allow any action to be taken with regard to it until and unless the Sikh and Muslim communities arrived at some settlement acceptable to both of them. This undertaking was not only given verbally but also in writing. After that Government invited deputations from both the communities. The deputation which was sent by the Sikh community stated that they were not in a position to say whether the mosque would be demolished or not and that they were not in a position to give a definite promise to that effect but that they were not inclined to demolish it. The actual words used were

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"we do not mean to demolish it." After this stage if the Government had continued to proceed wisely as they did in the beginning, there would have been no occasion to spend so much money as they have already done in connection with the Shahidganj affair. If Government had continued to proceed tactfully after they had given the above mentioned assurance there would have been no need for more police and more expenses. Another astounding fact worth mentioning is that although the previous evening the Sikh deputation had made the statement referred to above yet on the night of the 7th July the demolition of the mosque had commenced. The mosque was demolished before any authorised committee of the Sikhs had decided the question whether the mosque should or should not be demolished. About 8 in the morning a representative body of Sikhs which was entitled to arrive at a decision regarding the demolition or otherwise of the mosque came to know that during the preceding night the mosque had actually been demolished and as such the matter had been taken out of their hands.

The Honourable Mr. D. J. Boyd : Might I ask the honourable member to repeat that statement? To begin with, might I have the promise which he says that Government have made? I find it terribly difficult to follow him. The debate is likely to be a very important one and I am sorry to say that I cannot hear what the honourable member says. If you would allow it I should like to have an English translation of it.

Chaudhri Afzal Haq : I shall, with your permission, Sir, proceed with my speech in English.

The Sikh members of the deputation who waited upon His Excellency the Governor said in so many words that they had not given any promise but that they said clearly that they did not mean to demolish the mosque. (*Honourable Mr. D. J. Boyd :* Quite right). Yes. With this hopeful promise from the representatives of the great community it was the duty of Government to see that, unless and until the Sikh deputationists themselves had sat and declared that that mosque would be demolished, that mosque was not pulled down. At eight o'clock in the morning, when that meeting was going on, one of their informers came hurriedly and said : "What are you doing? The mosque has already been demolished." Imagine the hopeless condition of the people. Even those who are legally empowered to say yes or no to a certain fact are not aware of it. That meeting of the Sikhs was held near Shahi mosque and one of them rushed to the scene where the Shahidganj mosque had been. What happened to him? He was informed by the officers—he went to see whether the news was true or not—responsible officers on the spot that no one could be allowed to go in. To the Government, Muhammadans and Sikhs are to be treated alike and I do not think the Government was justified in restricting that person. The Government was in possession of the fact that responsible Sikh leaders were not in favour of demolishing it and it was the duty of the Government to know who demolished it. After a few days Government made a statement to the public that the mosque was demolished because one of the Sikh leaders in the midnight declared before Guru Granth Sahib that if the mosque will not be demolished by the other party, he would demolish it himself. Who was that Sikh leader? There was no Sikh leader and the

statement was contradicted by the Shiromani Gurdwara Prabandhak Committee. The statement of Government that a Sikh leader declared before Guru Granth Sahib that the mosque must be demolished was absolutely false. It is a false story. The question was asked who that leader was and Government had no answer to that. I will say, even if the biggest leader, whoever he may be, declares before Guru Granth Sahib in the way he is alleged to have done, in the face of the assurance given by the Sikh deputationists to His Excellency the Governor, was it not the duty of the Government to ask the deputationists: "What is being done here? You said that the Sikhs do not mean to demolish the mosque, and in spite of it, the mosque is demolished? Tell us whether you decided to demolish the mosque or not." In the absence of any such assurance it was the duty of the Government to take precaution that the mosque was not demolished. You may not believe me but on the night between the 7th and 8th July our office was informed that the mosque was going to be demolished. I was not here at the time but the Ahrar office was informed that the mosque was going to be demolished that night. One of the Ahrar workers gave the information to the leaders of the Shahidganj agitation. No one believed it because the attitude of the Sikh leaders and the assurance of Government was quite to the contrary. This was at 8 or 9 P.M. How could the mosque be demolished by an ordinary man? Government had to admit that a crane was used for the purpose.

The Honourable Mr. D. J. Boyd : Crane, I do not think, is the right word. It was a winch outside the gurdwara which was used for demolition, not a crane.

Chaudhri Afzal Haq : Whatever it was, how was it taken there?

The Honourable Mr. D. J. Boyd : Ask the Sikhs.

Chaudhri Afzal Haq : I ask the Government.

The Honourable Mr. D. J. Boyd : Then the Government do not know.

Chaudhri Afzal Haq : If they do not know, have they made an enquiry as to how the important part of the building was demolished in a night? If the Government now make an enquiry as to with what instrument the building was demolished and how the instrument came there they will come to know many things.

The Honourable Mr. D. J. Boyd : Do you know where it came from? Because we will be very glad if you tell us.

Chaudhri Afzal Haq : My information is that the instrument had been brought by the railway people.

The Honourable Mr. D. J. Boyd : On what understanding?

Chaudhri Afzal Haq : I do not know what the understanding was, but whatever it was, have you got any record of the fact that such and such instrument had been handed over to such and such a person? Would Government be prepared to hand over that instrument to anybody and everybody for use anywhere? I have more harrowing details to tell of the whole affair. I cannot bring proof of that but my informer gives me this information that at 10 o'clock our military officers were in the know of it that the

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mosque was going to be demolished and that they were to help in the demolition.

The Honourable Mr. D. J. Boyd : That is an absolute lie. I think it is a shame that any member of this Council should repeat a lie of this kind without verifying the facts.

An Honourable Member : Sir, the word "lie" is unparliamentary.

Mr. President : The word "lie" is unparliamentary. The honourable member might have used the word "untrue," or "incorrect."

The Honourable Mr. D. J. Boyd : As the word "lie" is unparliamentary, I gladly withdraw it. I wish to say that the statement is totally untrue.

Chaudhri Afzal Haq : I do not mean to rely on those statements.

The Honourable Mr. D. J. Boyd : Why repeat them? Have the fairness to verify them first.

Chaudhri Afzal Haq : I have been a member of this House for a very long time. Even the Honourable Finance Member cannot say that I speak without feeling my responsibility, but I do say that my informer was a very honourable man. I do not say that every word I say is the gospel truth, but it is for Government to inquire into the facts as to whether they are true or not, but sitting on the opposite bench you can say anything and everything. You are the Finance Member and I cannot—

Mr. President : Will the honourable member please address the chair?

Chaudhri Afzal Haq : The correspondent of the *Civil and Military Gazette* asked one single question to the Government, that is when Government had given an assurance to the public that the mosque would not be demolished—

The Honourable Mr. D. J. Boyd : When was that assurance given?

Chaudhri Afzal Haq : On the 3rd or 4th by the Deputy Commissioner. Can Government deny that? If Government cannot deny it, what is the use of asking question? I have been advised to bring all these facts to the notice of this honourable House. I tried to do it on a previous occasion, but I was bitterly attacked by the Honourable Finance Member. I asked that time should be given to us to discuss the matter fully. Today though I was busy abroad I came here in order to say that all these facts are borne out by documentary evidence with one exception, that exception being that the army officers knew that the building was going to be demolished. Otherwise whatever I have stated is based on the Government records. (*An honourable member :* What was the exception?) The exception being the instrument and the fact that the military officers were there before the demolition of the place.

The Honourable Mr. D. J. Boyd : I do not deny that there was a winch there. We learnt that the winch was there after the demolition started and not before. We had not the slightest information before hand that it was there.

Chaudhri Afzal Haq : It does not affect my case. Then I ask, how was that instrument removed and where was it removed to, and whether any officer had been reprimanded ?

The Honourable Mr. D. J. Boyd : Reprimanded for what ?

Chaudhri Afzal Haq : Did any officer hand over the instrument to the Sikhs ? Again, it was declared by Government that a Sikh leader on the night of the 7th July had vowed before Guru Granth Sahib that if another party would not demolish the building he would demolish it. That statement was contradicted on oath, not by an ordinary man but by the President of the Gurdwara Committee.

I do not ask whether the responsibility for the demolition lies with the Sikhs or with the Muslims or with the Government. It is for the House to decide or to come to any conclusion it likes. What I say is that the Government has bungled the whole situation and after bungling the situation it has come to the House with a demand for one lakh of rupees. I can say that during fifteen years of my public life Government has never bungled so hopelessly as it has done in this case. And then Government comes to us with a demand for additional police. If Government had been clever enough, if it had been sympathetic enough, it could do everything even without police constables. I appeal to the House that Government should come forward and prove that what I have said is wrong ; otherwise what is the use of putting this demand before the honourable House ? Every member of the House realises that this is not an ordinary matter. This is a question of principle. Government does what it likes and it creates situations through its foolishness. After a month or so it comes to us for a demand of one lakh. I think that every member of this House will resent that policy.

Mr. F. H. Puckle (Chief Secretary) : I am at a slight disadvantage in answering some of the points raised by the honourable member, because with the best will it is not possible on these benches to hear precisely what he says. There are one or two allegations that he has made which require to be dealt with before this debate proceeds any further. The first allegation, as I understand it, is that some Government department—I could not hear whether these benches are accused of having connived with them or not—some Government department provided those who wished to demolish the mosque (*interruption*) or rather the building called the mosque—with the winch. Now some days after the demolition—I forgot how many days after—we heard that a winch was there. Where it was obtained from, I do not know. That Government had any information before demolition that there was a winch there is entirely untrue, absolutely untrue. We heard that there was a winch being used for the purpose of demolition after the demolition had started, may be two or three days later. Where that winch came from I do not know. If any honourable member will put a specific question whether the Government or any of its departments supplied the winch that was used to pull down this building, then an answer will be given.

Shaikh Muhammad Sadiq : Have you enquired ?

Mr. F. H. Puckle : No. There are plenty of winches in Lahore belonging to private people. A number of decent building firms in Lahore have some arrangements for pulling down buildings.

Mr. M. A. Ghani : Perhaps the police or the military authorities may know.

Mr. F. H. Puckle : This is the first time that the Government have been accused of having connived at the demolition of the building by supplying the necessary implements. It has never been made before even in the vernacular Press. It is only on the floor of this House that this accusation is made. If any honourable member wants to have definite information he can ask a question and I undertake to give a reply. (*Hear, hear*).

The next point is the undertaking which the Deputy Commissioner is said to have given. I presume the honourable member is referring to the undertaking which appeared in the columns of the *Civil and Military Gazette* dated the 3rd July. After a certain amount of preamble the undertaking was given apparently in this form :—

“ Both the mosque and the gurdwara are safe and the authorities have taken all possible measures to protect them pending a settlement of the dispute.”

That appeared on the 3rd July. Now I may take the House back a few days earlier. About the 29th June when the rumour first started about in Lahore that the mosque was to be demolished the Deputy Commissioner moved in the matter. He obtained from the local Gurdwara Committee an undertaking that they would not proceed further with the demolition until Government had had time to examine the whole case. Up to the 2nd July next, a date I am going to refer to, the local Gurdwara Committee abided by this undertaking. On the afternoon of the 2nd July the Deputy Commissioner saw a deputation of prominent Lahore Muslims. It consisted of Ghulam Mustafa Khan Naib, Dr. Shujaa-ud-Din, Maulvi Akhtar Ali Khan, Sayad Mohsin Shah, Professor Farrukh Hussain and Mian Feroze-ud-Din Ahmad. A certain number of these gentlemen who had spoken at a meeting held either the night before or on the night previous to that at which the question of Shahidganj was agitated, and some of them also later on the 6th July, were members of a deputation which waited on His Excellency the Governor and members of his Council. This was a representative Muslim deputation which knew quite well what they were talking about. Now contemporary documents, that is to say, the reports of the Deputy Commissioner written within 24 hours of the reception of this deputation, show that what he told them was that the local Gurdwara Committee had given him a solemn undertaking not to demolish the mosque until the Punjab Government had had time to come to a considered opinion on the rights of the question. That was the undertaking that was given and that was what those gentlemen understood the undertaking to be. I do not care what appeared in the Press. On the 6th—I am speaking now as an eye-witness—on the 6th when the deputation waited on His Excellency they were asked, “What guarantees have you been given?” They replied that they were told that the Deputy Commissioner would prevent the demolition of the mosque until the Punjab Government had examined the case. That was the only undertaking which was ever given and it was observed. It rested, as the House will understand, not on any power either legal or extraordinary which the Deputy Commissioner proposed to exert, but on an undertaking given to him by certain gentlemen who presumably were in a position to give it. That is all I wish to say about that undertaking.

I will now come to another rather less important point. The Government are accused—I am not quite certain on what grounds the Government are accused—of having said that the immediate cause of the demolition of the mosque was a statement by a certain Sikh leader that if the party in power in the local Gurdwara Committee did not demolish the mosque he would do it himself. Government did hear of that. The name of the gentleman was given as Kharak Singh, but who actually made that statement we do not know any more than my honourable friend does. We were only informed that that statement had been made. The statement was afterwards denied, I think, by Master Tara Singh. Thus on the one hand we had this information and on the other there is the denial of Master Tara Singh. However, that is immaterial. Government is not, in any case, responsible for the statements of Sikh leaders to whatever party they might belong.

Another accusation levelled against Government was that all the time the Government was cognisant of what was going on and that the officers, though they did not actually demolish the building, instigated the Sikhs to do so. That is an accusation which I can only describe as one of a succession of untruths that have been bandied about in the province. They were first made at a meeting on the 14th July outside the Mochi Gate and since then have been brought up time and time again. It is said that the troops, the police, all the forces of Government were in a position to guard the place before the demolition began. That is not, I say again, true. Even if it were true would it be a crime, would it be a great fault to have had our police there to prevent what we knew must be a bloody clash? But the facts are otherwise. The honourable member who has just spoken knows as well as I do that from the evening of the 5th July there was a company of British infantry at the gurdwara. That was all the military force there was in the city until about 5 A.M. on the 8th July, that is to say about four or five hours after the demolition of the mosque had begun. The House may be interested to know that at 11 o'clock on the night of the 7th July I was going to bed and before I went to bed I thought it better to ring up the Deputy Commissioner and find out that all was well. I rang him up and was told that there had been an excited Sikh meeting at the Shahidganj Gurdwara where much was talked about the alleged murder of a Sikh by a Muhammadan and that the Deputy Commissioner believed that the meeting had since dispersed and that there was no danger to the mosque that night. I went to bed immediately. At about 12 or 1 o'clock I was called on the telephone. I then heard from the Deputy Commissioner that he had received reliable information that the work of demolition had actually begun. I telephoned thereafter to the Brigade Commander and asked him to send troops. They arrived at about 5 A.M. or whenever dawn was. This is the correct version of the various allegations which the honourable member has made against the Government. (*Cheers*).

Shaikh Muhammad Sadiq (Amritsar city, Muhammadan, Urban) : One does not want to throw oil on burning fire, but there are certain things which one must say on the floor of the House because this important question was not discussed at all during the present session. Now after the firing of the mob during the Shahidganj days in which about 20 or 25 or even 15 men were killed, no impartial enquiry was held by the Government. Now much of the complaint of the Government that lies or untruths were bandied

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about in the Punjab is due to the fault of the Government itself. The Government represents a constitution in which this House has no authority over them, practically no authority at all to control the destinies of this province. But what about the position of the elected representatives of this House who are responsible to their constituencies and to this province? Are they to allow the Government to do everything as it liked and then allow the matter to be forgotten or should they want that some enquiry should be made to find out how far the responsibility lay with the Government and how far untruths were bandied about in the province against Government? It was the duty of the Government in every civilised country or even in any colony, which is a Crown colony, where the responsibility lies on the

5 P.M.

Government to come forward before the world and tell them, here is the truth and here are the lies, and to separate them. The honourable the Chief Secretary—I know he is a perfect gentleman, he will never tell a lie, a deliberate lie or even a casual untruth—has told us the words which he received from the Deputy Commissioner, the words received from the military officers and the words received from the so-called leaders. We want to know really the truth about them. What did they do? If 15 people were killed in England, what would have happened? There would at once have been coroners' courts sitting where evidence would have been procured and a verdict given whether the fault lay on the mob or on the troops or on the police or on the Government. But what happened here? Nothing, no inquiry whatsoever. If ever anybody opened his lips he was interred, he was sent to some place, say Montgomery, or taken to Sialkot and all the newspapers for full three weeks were under the strictest censorship. The censorship was more severe than it was even in the days of the War. I had the honour to send a telegram on behalf of the Muslims, on behalf of the members of the Legislative Council and on behalf of municipal commissioners and other important persons to His Excellency the Governor and the Viceroy, requesting them to hold an enquiry and even such a telegram was suppressed by the Government and not published in the papers. Where was the mischief in this telegram? Even this telegram was censored by the Government and was not allowed to go into the papers. Then whom are they to thank, if allegations are made in the papers and rumours are current? Why did they not appoint an enquiry committee? I do not want one word of lie to be said against Government. At the same time I do not want one word of truth to be suppressed. What are we to say to the people? Are we to tell them to believe the words of the officers of Government without the papers being laid before us? After all Government consists of human beings; it is like a business concern, never giving out its secrets. No Government will admit even if they be wrong that they had blundered; so unless evidence both oral and documentary is placed before some authority to see whether it was right or wrong one cannot accept mere verbal assurances and I will be the first man to believe if an impartial committee of enquiry says that the Government's case was right. But simply to say it was right and people were wrong, this is truth and that is untruth, and these are the words uttered by some irresponsible persons, cannot be accepted. Government must distinguish between an act of bad management and an act of good management. Bad management is to allow so-called lies to be bandied about without being

examined and contradicted by some authority. I have never heard so far and I hope the Honourable Mr. Boyd, who is, as a rule, not a very excitable person, will not get excited to-day.

Mr. President : The honourable member will please be impersonal.

Shaikh Muhammad Sadiq : There is nothing personal. I am going to say that Government took no trouble to lay the case before the public. The *Zamindar* wrote something. It was suppressed. It was asked to deposit a security of Rs. 5,000 or Rs. 6,000. Similarly with *Siyasat* and *Ihsan*. It may be that Government in this way thought they would stop the trouble by suppressing the newspapers. Was it fair? If in England the *Daily Mail* sometimes called the *Daily Liar*, was to be suppressed by the Government—when it attacked Mr. Baldwin's Government in past days—or the *Daily Express* was to be stopped because it attacked Mr. Asquith or Mr. Lloyd George or some other papers were to be suppressed because they were not pleasing to the Government, we know what huge agitation there would have been. I know that these things never occur in regard to an English paper and an English paper will never be stopped because it attacks the Government. If the Government is attacked it is for the Government to answer the charges against them. Let them contradict the newspapers. They have never done it. But they have simply used this weapon of suppressing newspapers. What has happened? No sooner were the newspapers suppressed the word of mouth went on. You can stop a paper but how can you stop the word of mouth. The alternative was to have the cases tried against those newspapers. There were many rumours. One rumour was that two cranes were brought, one from the Civil Department and the other from the Railway Department. I was not there. I have never seen them. But if this was untrue or a lie, there was time for the Government to contradict it. The Chief Secretary said, if a question is put it will be answered in due time. Is this answer not an attempt to evade the question? (*An honourable member :* Winch). The word used was crane. Whatever it is, was any crane brought or not? Was it lent by a Government Department or not? When such lies were current, it was the duty of the Chief Secretary to come forward and say "I have enquired into the matter, no Government Department lent its crane. No Railway Department lent its crane and we are not responsible for these cranes." There the matter would have ended. They should have contradicted two months back. I read only yesterday about the Crusades. What did the whole Europe do? They went through oceans and travelled thousands of miles on land dying in the way, of hunger and thirst to reach that piece of land, called Holy Land in order to take possession of a Church. It is nothing new. Your own nation has been doing it, then why blame us? You may say that we are backward. You may also say that Crusades took place 500 years back. Yes according to your ideas we may be backward in this. But people do value what they consider sacred objects. It may be that they are sometimes mistaken. But to say simply that for the sake of a mosque, Mussalmans should not be excited, is not proper. Demolishing of a sacred building has always been resented and will always be resented. Aurangzeb is alleged to have demolished some temples. Though Muslims deny it, yet my Hindu friends have not forgotten it. The same about the *Jazia*—a small tax on Hindus for military and sanitary purposes—

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they never forget it. History says that whenever a temple was demolished, or a mosque or a church was demolished, people got excited. I have no complaint to make against my Sikh friends except this that they did not act in a friendly way. But this is a principle of paramount importance, that as soon as shooting takes place, there should be an impartial enquiry. If the Government stands before the public and convinces them that it has done all that human beings could do, I for one, will forgive it because I know that the carrying on of Government is not easy. I know there are some difficulties. Men are liable to make mistakes. But there is difference between a genuine mistake and a negligent and culpable mistake, and it is the duty of Government to prove beyond any doubt that it was justified in its action. I have not heard anything in this House which suggests that Government has done anything deliberately, but I am not in the counsels of Government, and so cannot admit that their action in shooting was justifiable. Even Government Benches stand condemned out of their own mouth. They say that the Deputy Commissioner told them that the mosque would not be demolished. But on the 7th July they started demolishing it. I ask, has the Government examined it? (*The Honourable Mr. D. J. Boyd*: Yes.) In that case what was the result of your examination? Is it that the Sikhs had a right to demolish it? If that is the result, then the Government must come forward and say, "We examined the case and found that the Sikhs had a right to demolish it." If you had taken up this stand, then everything was finished and then Sikhs would alone have been responsible. Then we would have known on which person to lay the responsibility. Why should we fight with the Sikhs, why should we fight with the Hindus, when we know that Government deliberately allowed the Sikhs to demolish it, because they thought that they had a right.

Mr. Nanak Chand Pandit: Why should we fight at all?

Shaikh Muhammad Sadiq: I do not want to be diverted, but time will come when Mr. Pandit will get his answer and the result. Time will come when Raja Sahib will get his proper answer. (*An honourable member*: Is it a threat?) No, no. An examination will show what part these gentlemen took in the trouble. I am beyond that stage when people threaten. I do not believe in threats. It will show what part these gentlemen took in these affairs. Now if the Government had simply told us, "We examined the case and we found that the case of the Sikhs was good and they had a right to demolish it," it would have been good. We do not want these side-issues that the Deputy Commissioner never promised the Sikhs and so on. Tell the public fairly and squarely, and then we can know whether it is the fault of the Government or the Sikhs or the Muslims. But this is the first time that I have heard from the lips of the Government that they had examined it. Yet what do they find? They have not yet said that. What do you find, I ask? Do you find that our case was good? In that case Government becomes responsible for the demolition of the mosque—rightly or wrongly I do not say.

The Honourable Mr. D. J. Boyd: I protest. They have found that one party has a legal right. How is Government responsible?

Shaikh Muhammad Sadiq : Responsible to this extent that you say that you do not know anything. I have never said that you encouraged demolition. Please understand it once for all. You become responsible for what followed afterwards—to this extent that you have not told us up to this time that you examined the case and found that the Sikhs were right.

The Honourable Mr. D. J. Boyd : I think the honourable member is mistaken.

Shaikh Muhammad Sadiq : What mistake.

The Honourable Mr. D. J. Boyd : I will explain it later.

Shaikh Muhammad Sadiq : If the Government had said even to-day that they found that the Sikhs had a perfect right to demolish it, it would have been all right. Why did they not say so? Up to this time people have been thinking that the Sikhs had demolished it despite Governments' persuasion, but it is said to-day that Government had examined it and found—after that it will be explained later by the Honourable Mr. Boyd—he has not yet told us. When they had examined it was it, not the duty of the Government to tell the Muslim deputation, to whom my honourable friend the Chief Secretary referred, "We have examined it and found that the Sikhs had a perfect right to demolish it?" Why did they not say so to the deputation?

The Honourable Mr. D. J. Boyd (Finance Member) : They did. That is exactly what the deputation was told on the morning of the 6th July that Government had examined the legal position and found that the Sikhs were legally in possession of the mosque and that Government had no legal power to prevent them from doing whatever they liked. That position was explained to the deputation on the morning of the 6th July. It is in the *communiqué* and the honourable member forgets.

Mr. F. H. Puckle : You were given a copy of this *communiqué* in this very House on the 14th of July.

Shaikh Muhammad Sadiq : I am very sorry if that *communiqué* has escaped my notice. If this was the position they should have taken precautions to stop the ingress of Sikhs in the mosque. They should have known that the trouble would start any moment.

The Honourable Mr. D. J. Boyd : We did.

Shaikh Muhammad Sadiq : But there is a *communiqué* of the Government that it is all the fault of the Sikhs and that there is no fault of the Mussalmans.

The Honourable Mr. D. J. Boyd : I beg your permission to answer that question. Government said that it regarded the Sikhs legally entitled to do whatever they liked, but that they condemned their action from the moral point of view. That is the position of the Government even to-day.

Shaikh Muhammad Sadiq : Then the position comes to this. The Government thinks that the Sikhs have a right to demolish the mosque and the Mussalmans have the right to condemn it. That is a funny position. Many a time where the property has vested in one person and another person is aggrieved by his possession of the property the Government has taken

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possession of the property to avoid trouble. But why could not the Government do the same thing here? Government did not think of these things while passing the Gurdwara Act when hundreds of Gurdwaras and property were handed over to the Gurdwara Committee without an inquiry as to whom the Gurdwaras and property belonged to, but the Government is to-day talking of legal rights of property in this province. I am sorry to hear that. They without examining the cases put gurdwaras in schedule A without considering whether the property belonged to A, B or C.

The Honourable Mr. D. J. Boyd : That was a private legislation.

Mr. President : The honourable member is irrelevant.

Shaikh Muhammad Sadiq : I am sorry. After the first shooting had taken place naturally the crowds were excited. The Government very wisely, and I congratulate them on their commonsense and wisdom, put barricades. The object of these was to keep the people away. But all at once we found that these barricades were lifted and people dispersed. All the time the people were under the impression that so far as they were away from the barricades, they would not be fired upon, but the barricades were lifted and the people were shot at. My friends will say that I am making wrong allegations, but there are so many versions flying about that one is bound to ask that the case may be fully examined. One version is that people were shot while they were fleeing away in the garden. I am telling what the rumours are and I am not taking any responsibility for these statements. The people were shot after the roads had been cleared. A woman was cooking her food and the police struck her on her head. There is evidence to this effect. There is evidence that people were shot while they were running in the city. They were running away and were chased and shot at and if these things are true, it becomes the great responsibility of Government to have their position cleared. There is reliable evidence available which shows that these allegations are true. After all it is the duty of every Government to have such an enquiry and clear its position. In every European country it is the duty of the Government at once to make such an enquiry. My honourable friend may remember the case of the siege of Sydney Street in which there were anarchists who barricaded themselves in their houses and Mr. Churchill went there with machine guns and shot at them. There was at once a government enquiry because Government found that they would not stay in office even for two hours if they did not conduct an enquiry into the affair. By ordering an enquiry on Shahidganj firing the Government would dispel all the rumours which are current. Do you not know that Muslim India has shaken on account of this firing? We are not agitators, we honestly feel that we want to stop this agitation, but we know that the heart of the Mussalmans is bleeding, not on account of the enmity with the Sikhs, but on account of the severity of the Government action. So, it is in the interests of Government that they should come forward and say that these things are totally untrue and these are the real facts, that they are going to appoint a committee, as was done after the Martial Law days. And you remember that enquiry brought forward lots of things which were believed to be lies before the Committee of Enquiry was appointed. First take the question of firing. Very few governments in

the civilized world indulge in it. There are tear gases, there are stinking gases and bombs and there are water-spouts and a lot of modern inventions to disperse the mobs. Why was resort not had to them for dispersing the mobs? Some of my friends may say that only a few Mussalmans were killed, so it does not matter, but a day may come when others may be similarly killed.

Rai Bahadur Mr. Mukand Lal Puri : Nobody said anything of that sort.

Shaikh Muhammad Sadiq : It is only a question of principle. It is the right of the subject to be protected from illegal action of Government, be it a zamindar Government or a European Government or be it a Russian Government or Siamese Government. You must inquire whether the fire was unnecessary or too long. These questions Muslim India wants very much to be answered by Government, by means of an enquiry committee. What the Government says is that we have given you a dose of bullets, and we now want 300 constables to treat you similarly when the necessity arises. If the public want to do a thing and they are determined, they do that even if you resort to shooting. All that happens is this. You shoot the people for ten days or for 15 days, but you cannot stop them from their purpose unless you meet their reasonable demands. What can one assistant superintendent of police do? The Government is sitting absolutely blind and deaf to the requests of the people of this province. We have requested that those people who have been interned should be released or should be tried. What is the answer? The Government say that if the public behaves, they will let them off. That might more suitably come from the old Russian premier and it might have come more suitably from the lips of Mussolini or from the lips of Hitler, but I am sorry to hear it from the lips of the Finance Member belonging to a constitutional country like England.

Mr. President : What did he say?

Shaikh Muhammad Sadiq : He says that unless the people behave, he cannot release the persons who have been interned in prisons. Are they hostages? If an enemy of Zafar Ali Khan wants to keep him in jail for the rest of his life all he has to do is to go on making noise and this will keep him in jail. Has the Government come forward with a charge against Zafar Ali Khan that this is his seditious speech and he should be prosecuted for it. If Zafar Ali Khan had said something very bad, he should be tried. Try him in jail where public cannot go, if this is what you are afraid of. Let these people get a fair chance. You cannot keep them indefinitely in prison. Have you been able to stop other Muslims coming into Lahore, and can you stop the Frontier Mail, the Calcutta Mail and can you stop people from the whole of India from coming into Lahore? Even in Congress days Government could not stop people from going to several places. It is only when the root cause is taken away that people behave normally. You promised to give reforms to the country and it weakened the case for the congress agitation. Similarly if you come forward with the acceptance of our demand this agitation will cease. No Mussalman in this House wants this agitation provided the demands of the Mussalmans are honourably met with.

The Honourable Mr. D. J. Boyd : May I know what they are?

Shaikh Muhammad Sadiq : Surely the Government is not so ignorant.

Mr. President : The honourable member may answer the question straight away ?

Shaikh Muhammad Sadiq : Do they sincerely want to know what our demands are ?

The Honourable Mr. D. J. Boyd : I honestly want to know the demands in order to give a reply to them.

Shaikh Muhammad Sadiq : Then I request my honourable friend to read the resolutions passed during the last two months in the Badshahi mosque and other places.

The Honourable Mr. D. J. Boyd : I do not feel quite sure whether Mr. Sadiq agrees with this resolution. I want to know what he regards as reasonable demands.

Shaikh Muhammad Sadiq : Then read the resolution passed only yesterday. Either the Criminal Investigation Department is lacking in its duty, or the honourable member is pretending ignorance. These demands are—

(Urdu).

- (1) Enquiry into the firing, its necessity and its results and compensation to the survivors of the people killed.
- (2) Release or trial of persons interned.
- (3) Return of securities forfeited of papers.
- (4) Restoration of the rights of Mussalmans over the mosque.

(Some honourable members : There was no demand for compensation.)

That was a demand made by me and it was passed in the Badshahi mosque and I cannot deny it. I cannot start telling lies and speaking untruths simply to please others. That was a demand which was carried at the meeting at Badshahi mosque. It might have been given up later on.

The Honourable Mr. D. J. Boyd : What is the *haq*, Sir, may I know ?

Shaikh Muhammad Sadiq : When I begin to deal with that aspect, surely, Sir, you will call me to order as that would be dealing with a matter *sub judice*.

Mr. President : Certainly.

Shaikh Muhammad Sadiq : When the Honourable Member knows that I cannot refer to that aspect of the matter at length, he interrogates me. I have great respect, as a lawyer for the courts of justice, and the Honourable Finance Member, if he would compel me to answer his question, would oblige me to cast off that respect. I am tongue-tied in the matter and he knows it as well as I do. These are the Muslim demands, and I ask, are they not fair? Did not the Government release thousands of Akalis, did they not similarly let off thousands of Congressmen? We ask for a similar treatment in the case of these persons. When people who have made sacrifice for a cause are interned in other places, when the community feels that they are not given adequate allowances for the support of their families, when their papers are suppressed, when the whole community feels that

the affair for which so many Muslims have shed their blood is still unsettled, is it not right that these demands should receive their due consideration? I do not want to say one word which would excite public feeling or condemn the Government unless there is ample justification. I only say that these rumours should be stopped and that can be done only if the Government come forward, and institute an enquiry by a committee, to satisfy everyone, not only the Muslims but the Sikhs and the Hindus that what was done by the Government was above board, what the Government have done was absolutely necessary, that only minimum force was used, that what the Government bluebooks show as having been done by Government was done honestly. If that is done, I will be the first person to contradict the false rumours against the action that Government has taken in the matter. Unless the Government comes forward to establish and prove their case, how can we go to the public and tell them that the rumours are baseless? How can we refute the rumours if the Government dare not come forward into the open by instituting an enquiry into the affair? Till then it is wrong to think that the public mind will be at ease, that the public will believe in whatever the Government say unless it is proved in an impartial enquiry that the action taken was just and fair. What took place between the deputy commissioner, the deputation and the Governor should be made clear to the mind of the public. It should not be open to the deputationists to say that such and such a thing did not happen at the meeting. Are we to go to each member of the deputation to ask what really did happen. It may be that the Chief Secretary's version is wholly true but the question is that unless it comes on oath that it did happen the public at large cannot have confidence in the account given. I say it is in the interests of Government, in the interests of the internal peace of the province, that an enquiry should be made. The time has come for instituting it and it would save this waste of money on having three hundred constables who will have nothing else to do except removing flies off them and taking the dust of Lahore streets in their lungs. By keeping the police at public places you only attract the attention of the public, you have made people think that there is something abnormal. It is said that when people go to England, they find the country peaceful and calm and they say that England is very well governed. If people on the other hand go to Russia and find spies following them, the military running after them, they say that there is something wrong about the country. Why do people say, peaceful England? Why not, peaceful Russia? The difference is that in England there is no extra police and the policeman goes about in an inconspicuous way like a ship travelling on the wide expanse of the waters. In Russia on the other hand spies make frequent enquiries and give all sorts of trouble to the visitor. It is so with the Nazi Germany, so with Italy. If you want to tell the people that this country is peaceful and if you want to keep the country at peace remove this extra police. The force is doing no good. They can at best stop rioting at one place but people run to another place and repeat the mischief. It does not benefit the country to keep this extra force. I do not say that police is unnecessary. Police is necessary, it is a necessary—I do not say, evil, but—establishment for it is this very police which is going to be the servants of the future democratic government of this country. I am not going to use one word against the police and call it a necessary evil or some such word. No, the police is necessary as bread and butter for human

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beings. It is a necessary force, it must be employed if necessary. But unnecessary display of police force or military force leads you nowhere. I do not therefore want this extra police force, because I feel that by taking conciliatory measures you can remove the necessity of this extra force. I want peace and prosperity in the province. I want to live at peace with my Sikh friends and Hindu friends. In six months, within one year, all of us are going to forget these sores and I say that the Muhammadan community will rise to the occasion. We have learnt from the lessons of Egypt how one community can give liberal concessions to another. The copts who were the enemies of the Arabs are now thick friends of theirs for where they wanted one minister, the Arab leader gave them two. Similarly if the Hindus want two ministers, we shall give them three, if the Sikhs want one, we shall give them two. So far as the sister communities here are concerned the Muslims are determined to live at peace with them, to give them no cause for irritation. I only want the Government to help us. I will never say that the Government have done anything deliberately because it is not in my mind. But I am a strong critic of the Government for the action they took after the affair. Men make mistakes, there can be wrong judgment. It is just possible that Government might have thought that by helping the Muslims they might start trouble with the Sikhs. I realise that their choice was between the devil and the deep sea. We can make mistakes. But what was the conduct of the Government after that? They ask us to keep mum and they refuse us the right to have their action examined. Why then should Government say this is untrue and that is untrue. All the newspapers which could contradict mis-statements going about are gagged, all the leaders are in the lock-up. Probably the Government thought they would stop the movement. But what is the result? Eighty thousand Muslims walking about. (*The Honourable Dr. Sir Gokul Chand Narang*: They were out to remove the irritation?) An *ex-Congress* leader speaking in this way! Did he not join the processions in 1919? Of course it was before he was appointed Minister. (*The Honourable Dr. Sir Gokul Chand Narang*: No, I did not join). Yes, the Honourable Member did and rode a high horse in those days.

I therefore most respectfully, most strongly urge upon the Government that the time has come to make an impartial enquiry. Enquire into the causes and the whole course of the affair. Appoint a High Court Judge with some non-official members to go through the whole question and clear the name of Government. We do not want it, it gives us no pleasure to see the Government's name besmirched. We should like the Government to be exonerated if they had acted rightly as they say. On the other hand, if it turns out that the Government has bungled—I would simply ask this House to give a chance to the public to show that they were right—if that is established and if somebody has bungled, my friend, Mr. Ghani suggests, that they must be punished, and I agree I am in touch with the people of the province, that people are of the strong opinion that Government should have made an enquiry whether that shooting was necessary, whether people have been rightly interned, whether Government have not stopped the newspapers without justification by asking such high security that those papers and presses could not afford. These measures will not bring

peace unless Government by an impartial enquiry tell the people that the public opinion was wrong. I would therefore urge that the Government should not delay in instituting this enquiry.

Mr. President : How often is the honourable member going to repeat the same argument ?

Shaikh Muhammad Sadiq : If it has appealed to you, Sir, I am sure that it has appealed to the Government also, and I will not repeat it. I request the Government to clear up the whole position and give us an assurance in the matter so that if we feel that the Government have done their best in the matter and that in future they would take the public and this House into their confidence, certainly our attitude would be different towards them. But till that is done we would only say that this grant is unnecessary. (*Cheers*).

Mr. E. Mayadas (Non-official, nominated) : I would invite the attention of the House to these words in the Explanatory Memorandum attached to the Supplementary Estimates :—

In view of the urgent necessity of relieving the police summoned from other districts and provinces as soon as possible and to provide an adequate centralized reserve to deal with possible contingencies it was essential to raise the strength of the Provincial Additional Police.

The question is whether an emergency has arisen and if it has arisen, whether additional police is needed. Everybody admits that in normal times we require some police, but when there are abnormal times then every reasonable person will admit that the strength of the police should be increased. Who is to judge the strength of the additional police required ? Government is the only authority that can judge that strength, because it is responsible for the maintenance of peace and order. That the emergency did arise very suddenly is proved by the fact that Government was unprepared and they had to send for military and for police from other provinces. In the past also there have been similar disturbances and I ask, where do we stand to-day ? I say that we stand under the shadow of what looks like a coming event. There is a proverb : "Coming events cast their shadows before." In the past we have passed through such shadows and we also know that such events have been followed by shedding of blood, looting and arson. There have been occasions about which we can say that, Government at the time did not take sufficient precautions. The strength of the police at that time was insufficient and that is how it was that those disturbances grew into big affairs. For instance, the disturbances that took place at Rawalpindi. What happened there ? After the trouble was over there arose the question of compensation and restoration of property. Certain persons were fined and money was to be recovered from them and other people were to be compensated and property was to be restored, but later on what happened ? In this very Council Chamber all that fine which ran into lakhs of rupees, was remitted by the vote of this Council. Who then had to pay for the compensation and for the restoration of property ? Was it not that the entire province had to bear the burden ? At the present time Government has asked for about Rs. 73,000. I ask, is it better to spend Rs. 73,000 now or to run the risk of paying several lakhs of rupees later on ? In fact one would be inclined to say the police should have been recruited much earlier so that even the small trouble that has arisen may not have arisen.

[Mr. E. Mayadas.]

We find that the proposal is to recruit 300 police constables for a period of six months, and, I would here respectfully request the Government if they have no objection and if suitable Indian Christian constables can be found, to fill up some of the posts by the Indian Christians.

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural): Enough has, I think, been said about the Shahidganj affair, but I think that certain facts have not been brought out. I would just give a passing reference to those facts. One is that the officers in charge of the situation when this occurrence took place were the City Magistrate and the Deputy Commissioner. Both of these officers were Sikhs. Lest it should be taken that I am casting any reflection on these officers as officers, I would at the outset say that I have nothing to say against these two officers because of their being Sikhs. My point is that the situation being a Sikh-Muslim affair, it would have been very good policy on the part of the Government to hand over the charge of this situation, at any rate, to some official though not a Muslim yet who could be considered impartial. Mr. Askwith was called in, but he was given over charge of the cases and other court work of the Deputy Commissioner. The Government blundered in not giving him charge of the situation and Mr. Partap, the Deputy Commissioner, the charge of the work given to Mr. Askwith.

I said that I would not say anything against these officers and I do not propose to do so, but even if these officers were honest and I do not say that they were not, but just because they were Sikhs it would naturally give cause of mistrust to the Muslims and they would not proceed to see whether or not these officers were doing their duty properly and any steps taken by these officers would be resented by the Muslims because they belonged to a community with which the Muslims were at variance. Therefore I say it would have been very good policy on the part of Government to hand over charge of this situation to Mr. Askwith who did not belong to either community and therefore would have had a better hold of the situation than Mr. Partap.

There is another fact which I want to bring out and that is this. The Sikh *jathas* were allowed to come in but the Muslims who wanted to go towards the Shahidganj mosque or the gurdwara (whatever it was), were stopped. I say that the Muslims had as much right to approach that place as the Sikhs, and if the Sikhs could not be stopped, the Muslims could not be stopped either.

The Honourable Mr. D. J. Boyd: I must correct the honourable member. Nobody was allowed to go in or out of the Shahidganj gurdwara after troubles began, neither Muslims nor Sikhs.

Chaudhri Asadullah Khan: For one full night the Sikhs *jathas* were allowed to go in. I do not blame the Sikhs. Everyone has a right to go to his place of worship. The Sikhs thought that it was a gurdwara and that they had every right to go to that place being a gurdwara. The Muslims thought that it was a mosque and therefore they had as much right as the Sikhs to go to that mosque. This differential treatment meted out to the two communities is bad management on the part of Government. I am not blaming either community. My Sikh friends need not take offence

at this, but I certainly do say that it was bad policy on the part of Government to hand over charge to officers belonging to a community which was involved in this affair, thereby giving cause to Muslims to think in the way they did. The Muslims thought that because the City Magistrate was a Sikh, therefore the Sikhs were allowed to come into Lahore, whereas the Muslims were not allowed.

The Chief Secretary referred (or perhaps the Finance Member did) to the legal right and moral responsibility. There are other situations as well where legal right and moral responsibility may be at variance with each other, but in those situations has the Government ever done what it did here—to say to the person who is exercising a legal right: “You have the legal right, go ahead.” The Government told one community: “The moral responsibility is yours, therefore we will see to it that that moral responsibility is considered by you. That situation would be exactly the same as any incident arising out of cow slaughter.

The Honourable Mr. D. J. Boyd : Quite wrong. There is a law against cow slaughter.

Chaudhri Asadullah Khan : The legal right for anybody to slaughter a cow would not be denied.

The Honourable Mr. D. J. Boyd : I do deny it, Sir. Under the Punjab Laws Act, there are rules prohibiting cow slaughter except under definite conditions.

Chaudhri Asadullah Khan : On the I'd day for instance. But even if that is not correct, there would be a situation where the moral responsibility lies on the community which exercises its legal rights. Would the Government in each one of those cases be prepared to take action as it did in this matter? I think not. Why then did they do it here?

There are other points against the police outside the Shahidganj affair, and I would now go into them. The police of other countries—those of us who have had experience of police in other countries would be at one with me—take themselves to be true public servants and they show themselves as such and also as the friends of the public. Take, for instance, the British police. You go to a police constable and ask him the whereabouts of a certain place or a street and he will give you the necessary particulars, he will give you directions, he will tell you to take the second turning to the right or the third to the left, and he will guide you to the place. But what about the police constable here? Ask him any particular place you want to go to and the only answer he will give—

Mr. President : The honourable member is irrelevant. -

Chaudhri Asadullah Khan : I would submit that because the motion for the discussion of the Shahidganj affair was not moved, therefore I think—subject to correction of course and I bow to any ruling given by you, Sir,—that the whole of this demand by Government is being opposed. The demand being for the police I would submit that I have a right to bring out the other facts against the police as well besides the Shahidganj affair.

At this stage the Council adjourned till 2 p. m. on Thursday, 14th November, 1935.

1917

Received of the Treasurer of the
Board of Education the sum of
\$100.00 for the year 1917

Witness my hand and seal this 1st day of

January 1917

John J. [Name]



Witness my hand and seal this 1st day of
January 1917

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 14th November, 1935.

The Council met at the Council Chamber, at 2 P. . of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

SHAHID GANJ AGITATION.

***4948. Chaudhri Allah Dad Khan :** Will the Honourable Finance Member please state—

- (a) how many persons have been externed in connection with the Shahid Ganj mosque trouble ;
- (b) what briefly were the charges against each of them and who brought those charges ;
- (c) what provision for the maintenance and housing of them has been made by the Government, and what allowances, if any, have been given to their dependents ?

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

(b) The Punjab Government were satisfied that these persons had acted and were about to act in a manner prejudicial to the public safety or peace.

(c) The internees have been granted subsistence allowances as shown in column 4 of the statement annexed hereto.

Statement showing the amount of allowances sanctioned for internees in the Shahidganj agitation.

Serial No.	Name of internee.	Place of interment.	Allowance sanctioned.	Date from which sanction is accorded.
1	2	3	4	5
1	Feroze-ud-Din Ahmad, son of Nur Din, Kada, Mochi Gate, Lahore.	Montgomery ..	Rs. Per mensem. 75	15th July, 1935.
2	Saiyid Habib, son of Saidullah Shah, of Siyasat, Lahore.	Montgomery ..	120	15th July, 1935.
3	M. Zafar Ali Khan, son of M. Siraj-ud-Din Ahmad, of Zamindar, Lahore.	Karamabad, Wazirabad, Gujranwala.	120	15th July, 1935.

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

Serial No.	Name of internee.	Place of internment.	Allowance sanctioned.	Date from which sanction is accorded.
1	2	3	4	5
4	Malik Lal Khan, son of Mast Ali Khan, of Gujranwala.	Mirjan (Gujrat)	Rs. Per mensem. 75	15th July, 1935.
5	Lal Din Kaiser, son of Chiragh Din, Lahore.	Rohtak ..	50	11th September, 1935.
6	M. Khuda Bakhsh Azhar, son of Ilahi Bakhsh of Amritsar and now of Rawalpindi.	Jhajjar (Rohtak)	35	17th September, 1935.
7	Ghulam Mustafa Shah Gilani of Rawalpindi.	Hissar ..	40	12th September, 1935.
8	Saiyid Zainul-Abdin Shah, son of Piare Shah, of Multan.	Sirsa ..	100	11th September, 1935.
9	M. Sher Nawab, Kasur, Lahore.	Bhiwani (Hissar)	60	10th September, 1935.
10	Sufi Inayat Muhammad, son of Miran Bakhsh, Pasrur and Rawalpindi.	Hansi (Hissar) ..	35	16th September, 1935.
11	Ghulam Muhammad alias Aziz Hindi, son of Madho, Amritsar.	Dharamsala (Kangra).	50	12th September, 1935.
12	S. Sarwar Shah Gilani, originally of Shahpur district, now of Lahore.	*Moga (Ferozepore)	30	11th September, 1935.
13	M. Akhtar Ali, son of M. Zafar Ali, of Zamiazar, Lahore.	Kaithal (Karnal)	100	10th September, 1935.
14	Abu Said Anwar, son of Fazal Karim, Amritsar.	Karnal ..	40	11th September, 1935.
15	M. Muhammad Ishaq, Mausehrvi, son of Muhammad Gul, Rawalpindi.	Kasauli ..	30	12th September, 1935.
16	Mir Muhammad Din, Lahore.	Rupar (Ambala)	35	11th September, 1935.
17	Ghulam Nabi Ansari, son of Fazal Karim, Chak Isa, Jhelum.	Naraingarh (Ambala).	25	15th September, 1935.
18	Muhammad Shah of Sialkot.	Sialkot ..	No allowance	17th July, 1935.

*Now under transfer to his home, Chak No. 18, Shahpur district.

ASSISTANT DISTRICT INSPECTORS FOR PHYSICAL TRAINING.

***4949. Chaudhri Allah Dad Khan :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that physical training men attached to districts are designated assistant district inspectors for physical training ;
- (b) whether it is a fact that certain persons holding merely senior vernacular certificates are also working as permanent assistant district inspectors ;
- (c) whether it is a fact that the starting grade of an assistant district inspector is Rs. 80—4—100 ;
- (d) whether it is a fact that the grade of assistant district inspectors mentioned in (b) above is Rs. 80—4—100 ;
- (e) whether it is a fact that there are several assistant district inspectors for physical training who have been given the starting grade of Rs. 55—3—70 ;
- (f) whether it is a fact that the assistant district inspectors mentioned in (e) above are Muslims and not one is a Hindu or Sikh in the grade of Rs. 55—3—70 ;
- (g) whether it is a fact that the Muslim assistant district inspectors for physical training getting Rs. 55—3—70 have exactly the same qualifications as several non-Muslims getting the grade of Rs. 80—4—100 ;
- (h) whether there are any reasons why this discrimination has been made in the case of Muslims ;
- (i) what Government proposes to do in the matter ?

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

(b) Yes.

(c) Yes.

(d) Yes.

(e) There are four assistant district inspectors for physical training in Rs. 55—3—70 grade.

(f) Yes.

(g) and (h) There is only one non-Muslim with similar qualifications in Rs. 80—4—100 grade, but he was appointed direct in this grade on account of his good work while under training. It may further be added for the honourable member's information that ordinarily trained graduates with special qualifications for physical training are appointed as assistant district inspectors for physical training and that a few Matriculate Junior Anglo-Vernaculars were appointed only because the Department fell short of the requisite number of fully qualified assistant district inspectors for physical training.

(i) They will be considered for promotion in due course.

RESTORATION OF CUT IN THE COMMISSION OF SUB-REGISTRARS.

***4950. Pir Akbar Ali :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that the cut in the pay of the Government servants has been restored;
- (b) whether it is a fact that the cut of 20 per cent. in the commission of sub-registrars, Punjab, has not yet been restored; if so, when it is proposed to restore it as a whole or a portion thereof?

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

(b) The reply to the first part is in the affirmative while to the latter part it is not proposed to restore the cut which was adopted as a retrenchment measure in order to give effect to the recommendations of the 1931 Punjab Retrenchment Committee.

PAUCITY OF MUSLIM OFFICERS IN GURDASPUR DISTRICT.

***4951. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Finance Member be pleased to state—

- (a) whether the Government is aware that the Muslims of Gurdaspur have represented their grievances to the Government in connection with the paucity of Muslim officers in that district;
- (b) if so, what action has been taken on the representation of the Muslims of Gurdaspur?

Mr. F. H. Puckle (Chief Secretary) : (a) and (b) Government have received several posters stated to have been published by the Muslims of Gurdaspur. Some of these state that Muslims are dissatisfied with the district staff and others that they are satisfied. In the circumstances Government have taken no action.

MOLESTATION OF SCHOOL BOYS BY RUFFIANS.

***4952. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education please state—

- (a) whether his attention has been drawn to the resolution passed on 3rd July, 1935, at a special meeting of the Headmasters' Association, Lahore, regarding the ever-growing activity of the *gundas* against school boys;
- (b) if so, what action has been taken in the matter?

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

(b) The matter was referred to the Deputy Inspector-General of Police who has taken suitable action.

MOLESTATION OF SCHOOL BOYS BY RUFFIANS.

***4953. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education please state what further action has been taken in view of his reply to question No. *3471, part (d),¹ dated 21st February, 1935, that he will see that the law on the subject is obeyed?

¹ Vol. XXVI, page 5.

The Honourable Malik Sir Firoz Khan Noon : The police authorities deputed a constable in plain clothes to watch the *gundas* and I understand that the molestation has ceased.

MOLESTATION OF SCHOOL BOYS BY RUFFIANS.

***4954. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education please state what law or laws he had in view at the time of answering part (d) of question No. *3471 ?

The Honourable Malik Sir Firoz Khan Noon : The police authorities deputed a constable in plain clothes to watch the *gundas* and I understand that the molestation has ceased.

MOLESTATION OF SCHOOL BOYS BY RUFFIANS.

***4955. Sardar Jawahar Singh Dhillon :** Will the Honourable Finance Member be pleased to state what action he proposes to take in view of the defective provision of the existing law according to which molestation of boys by ruffians is not a cognisable offence ?

The Honourable Mr. D. J. Boyd : In cases of the kind which the honourable member appears to have in mind it is nearly always possible to apply one section or another of the existing law. No practical difficulties have been experienced by the police in dealing with this type of hooliganism.

SHAHIDGANJ.

***4956. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member kindly lay on the table a brief résumé of the conversation which took place between His Excellency the Governor and the first Muslim deputation led by Maulana Zafar Ali Khan in connection with the protection of the Shahid Ganj mosque, if the Honourable Finance Member was personally present at the time or in case a record of the conversations was kept ?

The Honourable Mr. D. J. Boyd : The honourable member is referred to Punjab Government Press *Communique* No. 1379, dated the 10th July, 1935, which contains a brief account of the discussions and a copy of which is laid on the table.

COMMUNIQUE.

In order to remove any misunderstandings that may exist, the Punjab Government consider it desirable to give a brief account of the discussions that took place between them and Muslim and Sikh deputations on the 6th and 7th of July, and the efforts that were made to bring about a peaceful solution in the Shahidganj gurdawara dispute. While these discussions were taking place, it was obviously necessary in the interest of a settlement to regard them as confidential, but this necessity no longer exists, and the Punjab Government believe that inaccurate accounts are already current. It must be understood that the following account is necessarily a summary only of discussions which lasted for some hours, but it is an accurate description of the main facts.

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

The Punjab Government was represented by His Excellency the Governor and the Honourable Member for Finance. There were also present the Chief Secretary, Commissioner, Lahore division, Inspector-General of Police, Deputy Commissioner, Lahore and the Legal Remembrancer to Government, Punjab.

(2) The Punjab Government first met a deputation of Muslim gentlemen on Saturday, the 6th of July, at 11 A.M. The discussions lasted for about 2½ hours. These gentlemen expressed fully and strongly the views of their community both from the legal and general standpoints. They referred to the history of the mosque, and laid particular stress on Muslim law of *waqf*. While they agreed that this was not part of the civil law of the country, they represented that it was in relation to the doctrine of *waqf* that the Muslims regarded the matter, and that the principle which especially affected their views was that a building which had once been made *waqf* remained *waqf* for ever. They said that Muslim lawyers were exploring among themselves whether any further legal remedy in regard to the mosque existed under the ordinary civil law. They explained the strong feeling that existed about this question in their community, and the strong wish held by them that the building should be returned to the Muslims. They said that if this was not possible, the least that would satisfy them was that it should be left as it was and that it should not be used for purposes which would offend the feelings of Muslims. They asked that Government should do all that was possible to secure a solution that would satisfy their community.

His Excellency explained to them that the Punjab Government had carefully examined the legal aspect of the case and were bound by the decisions of the civil courts. These had been consistently in favour of the Sikhs and in particular the Gurdawara Tribunal had rejected the claim made by the Anjuman-i-Islamia in connection with the mosque. It was clearly not possible for Executive Government to go behind those decisions. They had also considered action under the criminal law, but had reached the conclusion that this also was not possible. This being so, the only means of solution appeared to be an agreement between the parties, honourable to both. He assured the deputation that Government would do their utmost to bring the Sikhs to a reasonable frame of mind, and with this object in view proposed to explore with the Muslims all possible solutions, it being recognised of course that the solution must be acceptable to both parties. Various suggestions were then made and discussed, some being dismissed as unacceptable to Muslims, some being regarded as definitely acceptable, and as regards others acceptability or otherwise depended on general Muslim opinion which had not been ascertained. After discussion of all suggestions put forward, the view of the Muslims remained the same, viz., that the least which would satisfy their community was that the mosque should be left as it was and not used for any purpose which would offend Muslim feelings. The Muslims were assured that all possible solutions would be fully explored with the Sikhs, that in particular it would be impressed upon them with the greatest emphasis that, whatever their civil rights might be, their moral responsibility was extremely great, and that no effort would be spared to persuade them to take a reasonable view of the matter and to defect them from a course which must have grave consequences. His Excellency explained that the reports he had received showed that feeling was very strong also on the other side, and that he thought that one of the greatest difficulties in the way of a solution by consent was the feeling on both sides. He asked the deputation to do everything possible to improve the atmosphere. They readily agreed to do this and promised their hearty co-operation.

(3) The Punjab Government met a deputation of Sikh gentlemen the same afternoon at 2-30 P.M., and the discussion lasted for nearly three hours. They said that there could be no talk of any compromise or settlement so long as Muslim agitation continued. They explained at length the history of the building and the legal position. They said that the decisions had been consistently in favour of the Sikhs, who now had the right to do what they liked with the building. It was represented that for various reasons it was bound up with the history of the Sikhs and had a special place in their religion. The Sikhs were fully determined that the mosque should not go back to the Muslims. They held that so long as the building was in existence, Muslim agitation would be continued. They said that if any concession was made on this occasion, pressure would be brought to bear upon them to give further concessions, and the case of other buildings might be raised. This was a position they could not contemplate. It was pointed out to them that Government recognized the force of the decisions of the civil courts, and realized that they were not prepared to give up their rights which those decisions had given them, but the question was now one of demolition. The building had been in their possession for 170 years and their rights had not been affected by its existence. Demolition would in the present state of feeling give great offence to another community, would produce a grave situation in Lahore itself, would probably have reactions in the province generally, would embitter relations between the communities and have effects which it would be difficult to remove. They would accept a very grave responsibility if they did something which might easily plunge the province into disorder. They should remember that they would find it difficult to satisfy public opinion as regards their action. It was surely possible to find a solution which would in no way prejudice their civil rights and yet be acceptable to the other side. The

matter was one of the utmost gravity and they should do nothing which would put them in the wrong. Every effort was made to persuade them not to take precipitate action. Various suggestions were put forward with a view to finding a solution, but they were not accepted. The farthest the Sikhs would go was to say that there was no intention to demolish at present, and there was a suggestion that, if agitation by Muslims ceased, their attitude might change. It might then be possible for them, while making it perfectly clear that they retained the right to do what they liked with the building, to let it be known to the Muslims that the latter could rely on their good sense. They made it clear, however, that they would give no assurance at present to this effect and that if any statement was published that an assurance of this kind had been given, they would deny it.

Attempts were made to get at least an understanding that demolition would not be carried out until after an agreed period, so that there might be time to explore all possibilities. They said that they could not give even an assurance of this kind, but they gave Government to understand that a final decision for or against demolition would not be reached until a meeting of the Shiromani Gurdawara Parbandhak Committee which was to be held in Lahore on the 8th of July. Government asked the deputation to arrange that if there was likely to be a decision by the Shiromani Gurdawara Parbandhak Committee in favour of demolition, they should meet the Punjab Government so that all possibilities of a settlement be once more thoroughly explored. The Sikhs were unable to give a definite assurance on this point but the suggestion was not rejected.

Finally, the necessity was impressed upon the Sikhs of their doing all that was possible to keep the atmosphere calm in Lahore by stopping bands of Sikhs coming there and by sending away some who had already arrived. His Excellency told the deputation that the Muslims had been asked to work towards the same end and had promised co-operation.

(4) The Punjab Government again saw the Muslim deputation at 12 noon on the 7th of July. The attitude of Sikhs was fully explained to the deputation, and it was made clear that it did not hold out much hope of a settlement. The reports of a meeting held by the Sikhs the previous night also showed that Sikh feeling was running very high. At the same time hope should not be abandoned, and the Punjab Government would continue their efforts. All possible solutions were again discussed, much the same ground being covered as on the previous occasion. It was again pointed out that the one chance of a settlement was to get a calm atmosphere in Lahore. There had been no demonstrations by Muslims the previous day, nor were there any on the 7th. In this connection Government acknowledge the successful efforts made by the Muslim leaders. It was explained to the Muslims that Government had been given to understand by the Sikh deputation that no final decision one way or the other would be reached until a meeting of the Shiromani Gurdawara Parbandhak Committee had been held in Lahore on the 8th, and that Government were endeavouring to secure that, before a final decision was reached, there should be further discussions with the Sikh leaders.

(5) In connection with the discussions with the Muslims, the Punjab Government have seen a report that the deputation put forward proposals that the mosque be demolished but that the Muslims should be allowed to remove the material for the purpose of building a mosque elsewhere. It is only fair to the members of the deputation to let it be known that this suggestion was not put forward by them. It was mentioned as a possibility to be explored in the last resort if no other solution could be reached, and the Punjab Government said that in that case they would be prepared to give Government land for the purpose. It was perfectly clear, however, that such a solution would be possible only if it were acceptable to the Muslim community generally. The deputation made it clear that there could be no question of its acceptance if the Muslims were not allowed themselves to do the demolition, and even in that case the solution did not appear to be one likely to commend itself to the Muslims generally. It was recognised at the most as a solution which it might be worth while to explore.

Subsequent to the meeting with the Muslims on the 7th, the Punjab Government, through the Deputy Commissioner, tried to secure that before a final decision was reached by the Shiromani Gurdawara Parbandhak Committee on the 8th, there should be further discussions between them and the Punjab Government. As explained in previous *communiqués*, the Sikhs did not wait for this meeting of the Shiromani Gurdawara Parbandhak Committee but commenced demolition.

(6) The Punjab Government have seen it stated that they gave an assurance to the Muslim deputation that the mosque would not be demolished. It is clear that in the circumstances of the case they were not in a position to give any assurance of this kind, and no such assurance was in fact given. They did assure the deputation that, so long as a way to a solution lay open, they would make every possible effort to reach one. This assurance was carried out. The way was closed by the Sikhs who preferred to take irretrievable action rather than carry on discussion for an honourable settlement.

PROVINCIAL AGRICULTURAL SERVICE.

***4957. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly lay on the table a statement showing :—

- (i) the names ;
- (ii) educational qualifications ;
- (iii) monthly salaries ; and
- (iv) periods of service ;

of such of the officers of the provincial services under the control of Honourable Minister for Agriculture, as have been appointed during the last nine years ?

The Honourable Sardar Sir Jogendra Singh : The honourable member is referred to the Civil lists and History of gazetted officers for the years 1926 to 1935.

UNEMPLOYMENT IN THE PUNJAB.

***4958. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member kindly state—

- (a) whether it is a fact that the number of unemployed (both educated and uneducated) is increasing by leaps and bounds in the province ;
- (b) whether the Government is prepared to take steps for compiling statistics of the unemployed from year to year ; if so, when ; if not, why not ;
- (c) whether the Government proposes to take any steps for reducing the number of unemployed in the province ; if so, when ; if not, why not ;
- (d) whether Government has devised ways and means for reducing unemployment in the province, if so, what ; if not, why not ?

The Honourable Mr. D. J. Boyd : (a) Government have no definite information.

(b) No. To compile such statistics would in practice involve taking a yearly census of the population and Government do not consider that the result likely to be attained by the collection of such statistics would be worth the cost and labour involved.

(c) and (d) Government are doing what lies in their power to stimulate agriculture, industry and trade in the province and thereby reduce the number of unemployed.

Mr. M. A. Ghani : Is it not a fact that the Punjab Government appointed a committee of enquiry with regard to unemployment in the province ? If so, what action was taken on the report of that Committee by the Government ?

The Honourable Mr. D. J. Boyd : The Punjab Government did appoint such a committee and I think a *communiqué* or a notification was issued at the time showing the action taken by Government on its report. If the honourable member will give me notice I will get him the required information.

Mr. M. A. Ghani : Is it a fact that the Government appointed the committee only as regards unemployment among the educated classes and not as regards unemployment among the uneducated classes ?

The Honourable Mr. D. J. Boyd : I think that is correct.

Mr. M. A. Ghani : Does the Government propose to institute an enquiry into the unemployment among the uneducated classes ?

The Honourable Dr. Sir Gokul Chand Narang : I have not considered the question.

Mr. M. A. Ghani : Is the Government prepared to consider the question now ?

The Honourable Dr. Sir Gokul Chand Narang : It may.

PUNJAB CRIMINAL LAW (AMENDMENT) ACT AND CIVIL DISOBEDIENCE.

***4959. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member kindly state—

- (a) the names of various associations banned by the Government under the Punjab Criminal Law (Amendment) Act, 1932 ;
 (b) whether the said associations have or have not since undertaken to desist from civil disobedience ?

The Honourable Mr. D. J. Boyd : (a) No associations have been banned under the Punjab Criminal Law (Amendment) Act, 1932, but the associations given below were declared unlawful under Section 16 of the Criminal Law (Amendment) Act, 1908, as amended by the Criminal Law (Amendment) Act, XXIII of 1932 :—

Serial No.	Name of Association.	Number and date of Notification.
1	2	3
1	Lahore Congress Volunteers, or the Hindustani Sewa Dal.	15742 (b) 4-S. B., dated 27th January, 1932.
2	The Bal Bharat Sabha, Lahore	15742.(b) S. B., dated 10th February, 1932.
3	The Workers' Home or Workers' Training College of the Kirti Kisan Party at Lahore.	15833-S. B., dated 7th April, 1932.
4	The Okara Congress Volunteers, or the Hindustani Sewa Dal, Okara, district Montgomery.	15742 (b)-S. B., dated 7th April, 1932.
5	The Anti-Imperialist League, Punjab	12467-S. B., dated 10th September, 1934.
6	The Punjab Provincial Nau Jawan Bharat Sabha, Lahore, and its branches, etc.	Ditto ditto.
7	The Punjab Kirti Kisan Sabha, Amritsar, and its branches, etc.	Ditto ditto.
8	The Amritsar district Kisan Sabha and its branches, etc.	Ditto ditto.
9	The Punjab Kisan League and its branches, etc. ..	Ditto ditto.
10	The Labour Research Society, Punjab	Ditto ditto.

(b) These associations were not declared unlawful by reason of their connection with the civil disobedience movement.

Mr. M. A. Ghani : Is it not a fact that some of the associations were engaged in purely trade union movement?

The Honourable Mr. D. J. Boyd : That is not a fact.

ASSESSMENT OF CROPS.

***4960. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) whether the report compiled by the Department of Revenue or that compiled by the Department of Agriculture is considered authentic for assessing the condition of crops and average produce of the soil ;
- (b) whether it is a fact that the averages of produce compiled by the Department of Agriculture are usually higher than the actual averages ;
- (c) whether the Government propose to disregard this report while assessing average produce of the zamindars ?

The Honourable Nawab Muzaffar Khan : (a) The attention of the honourable member is invited to rule 5 of the Land Revenue Assessment Rules, 1929, and paragraphs 323—328 of the Settlement Manual. This is one of many tests prescribed.

(b) and (c) No.

VERNACULAR FINAL EXAMINATION RESULTS OF PRIVATE GIRL STUDENTS.

***4961. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that the results of private girl students appearing for the Vernacular Final Examination are announced nearly a month later than those of other girl students ; if so, why ;
- (b) whether the Government propose to do away with this practice ?

The Honourable Malik Sir Firoz Khan Noon : (a) No. The results of the private and other girl students for the Middle Standard Examination for Indian girls (which is evidently meant by the honourable member) are announced at one and the same time and those that call at the office are apprised of the necessary information. It, however, takes about a fortnight or so to communicate it by post to private candidates individually.

(b) It is not feasible to alter the existing practice.

MUSLIM MEMBERS OF MUNICIPAL COMMITTEE, LYALLPUR.

***4962. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that the Muslim members of the Lyallpur Municipal Committee left it under protest ; if so, the reasons why they did so ;

- (b) whether it is a fact that for the last two years there has been not a single elected Muslim member on the committee ;
- (c) if the answer to (b) be in the affirmative, what steps Government have taken to redress the grievances of the Muslim members in question ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The Muslims did not contest the elections as their request for the introduction of communal electorates in the municipality was not acceded to by Government. The appointed members resigned, probably for the same reason.

(b) Yes.

(c) Government does not admit that the Muslims have any genuine grievance. The question of Muslim representation is, however, being considered by local officers.

RABI CROPS.

***4963. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly lay on the table—

- (a) the report in respect of the last *rabi* crop made by the officers of the Agricultural Department specially appointed for this purpose in tahsil Nawanshahr (Jullundur district) and tahsil Garhshankar (Hoshiarpur district) ;
- (b) the report in respect of the last *rabi* crops as entered in the "Lal Kitab" of the Revenue Department of tahsil Nawanshahr (Jullundur district) and tahsil Garhshankar (Hoshiarpur district) ;
- (c) whether these reports confirm the following—
- (i) that the area under cultivation was less as compared with the preceding year ;
- (ii) that the yield of the wheat crop was very poor on account of storms, and the grain collected was very thin ;
- (d) if the answer to (c) be in the affirmative, what steps the Government have taken to help the zamindars of the area in question ; if not, why not ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

GRIEVANCES OF ZAMINDARS ON NAUKHAR BRANCH OF UPPER
CHENAB CANAL.

***4964. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

- (a) how much land on the Naukhar Branch of the Upper Chenab Canal has been under cultivation for the last three years, and how much land is under cultivation this year ;
- (b) the reasons of decrease in the cultivated area ;
- (c) whether it is a fact that the rice crop in the areas mentioned in (a) has been also affected ;

[Ch. Muhammad Abdul Rahman Khan.]

(d) whether the zamindars of the area made representation to the Chief Engineer and the Government against the construction of the outlets near the surface of the canal, which caused great loss and trouble to the zamindars ;

(e) what measures the Government has adopted for redressing the grievances of the zamindars concerned ?

The Honourable Nawab Muzaffar Khan : (a)—

KHARIF.

Year.	1932.	1933.	1934.	1935.
	Acres.	Acres.	Acres.	Acres.
Area irrigated	28,619	31,831	22,347	21,966

RABI.

Year.	1932-33.	1933-34.	1934-35.
	Acres.	Acres.	Acres.
Area irrigated	14,911	11,108	16,571

(b) Increase in chahi area and fall in prices.

(c) The crop is normal.

(d) No.

(e) Does not arise.

PROVISIONAL LIST OF VOTERS FOR THE PUNJAB ASSEMBLY.

*4965. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Member for Revenue kindly state—

(a) whether it is a fact that during the preparation of the provisional list of voters for the Punjab Assembly, complaints were made to the Government against the carelessness of clerks who were engaged in this work ;

(b) what steps the Government has taken in this connection ;

(c) whether it is a fact that a number of British subjects who are temporarily residing in some States have not been entered in the list of voters, although they are entitled to it ;

(d) if the answer to (c) be in the affirmative, what action the Government propose to take in this matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Several cases were investigated and circular letters were issued enjoining care.

(c) Government is not aware of any such omission.

(d) None. The public will have the usual opportunity for lodging claims and objections according to the rules.

MUSLIM REPRESENTATION IN MUNICIPAL COMMITTEE, PHILLAUR.

***4966. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the number of members, communitywise of the Phillaur municipality, for the last six years ;
- (b) the number of elected Muslim and non-Muslim members in the new committee ;
- (c) whether the majority of the Muslim population urged that a Muslim be nominated as a member of the committee ;
- (d) whether the nominated member was a Muslim ;
- (e) if not, why not ?

The Honourable Dr. Sir Gokul Chand Narang : (a)—

Year.	Hindus.	Muslims.
1929	4	4
1932	4	4

(b) Muslims 3, non-Muslims 4.

(c) No.

(d) No.

(e) The Commissioner, Jullundur division, considered that the Hindu gentleman who was nominated was the person best qualified for the position.

REDUCTION ON LAND REVENUE ON KHARIF.

***4967. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that this year the *kharif* crop was sown twice or thrice in tahsil Garhshankar (Hoshiarpur district) as it was destroyed by *toka* ;
- (b) whether it is a fact that very little *kharif* crop is expected in ilaqa thana Bala-jaur, tahsil Garhshankar ;
- (c) if the answers to (a) and (b) be in the affirmative, whether the Government propose to help the zamindars of the ilaqa by making sufficient reduction in the land revenue on *kharif* ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No. Only maize crop was sown twice in some villages of the Rakkar and Kandi circles.

(b) No. In the Bet and Sirwal circles the *kharif* crop was good, while in the Kandi and Rakkar circles it was about average.

(c) Does not arise.

STUDENTS RECEIVING UNIVERSITY, SECONDARY AND INDUSTRIAL EDUCATION.

*4968. **Chaudhri Muhammad Abdul Rahman Khan** : Will the Honourable Minister for Education kindly give details with regard to the following for the last five years—

- (a) the number of students receiving University education, secondary education and industrial education, respectively, in the province ;
- (b) what steps the Government have taken to make the industrial education popular in the province ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Statements I and II giving the required information are laid on the table.

STATEMENT I.

Statement showing numbers of students in the schools of the Industries Department.

Year ending.	Number of students.	REMARKS.
Boys.		
31st March, 1931 ..	5,927	..
31st March, 1932 ..	4,146	The decrease was due to the abolition of primary departments from all industrial and technical schools with effect from 1st October, 1931. As the primary classes imparted general education only, they were considered unnecessary in industrial schools.
31st March, 1933 ..	3,793	The decrease was due to the following reasons :— (a) Closure of the following classes as a measure of economy necessitated by the financial stringency of the times with effect from May, 1932 :— Coppersmithy at Amritsar, Fazepore and Rehtak ; Trunkmaking and Weaving at Sialkot ; Carpentry at Rewari ; Smithy at Panipat ; Lacquer Turning at Kasur ; and Middle Department at Metal Works Institute, Ambala City.

Year ending	Number of students.	REMARKS.
Boys—concl'd.		
31st March, 1933—concl'd.		(b) Stoppage of recruitment of young primary passed students and the admission of boys who had passed the 6th or 8th class or some higher examination of general education schools, so that the students admitted could derive benefit from the specialised trade training proposed to be introduced in industrial schools.
31st March, 1934 ..	3,059	The decrease was due to stoppage of fresh recruitment and the progressive elimination of the classes under the old scheme in order to make room for the re-organisation of industrial schools in pursuance of the policy of the Punjab Government to make the training in all industrial schools more intensive and specialised and of greater practical value.
31st March, 1935 ..	2,887	Ditto ditto.
GIRLS.		
31st March, 1931 ..	338	
31st March, 1932 ..	695	..
31st March, 1933 ..	768	..
31st March, 1934 ..	833	..
31st March, 1935 ..	885	..

Statement showing numbers of students receiving University and Secondary Education.

Year.	UNIVERSITY EDUCATION.			SECONDARY EDUCATION.		
	Boys.	Girls.	Total.	Boys.	Girls.	Total.
1	2	3	4	5	6	7
1930-31	13,939	233	14,172	657,946	36,634	6,94,580
1931-32	14,872	269	15,141	639,182	40,398	6,79,580
1932-33	15,512	350	15,862	609,819	42,922	6,52,741
1933-34	16,023	411	16,434	597,420	47,638	6,45,058
1934-35	16,055	623	16,678	581,422	49,695	6,31,117

[Hon. Malik Sir Firoz Khan Noon.]

STATEMENT II.

Statement showing steps taken to popularise industrial education.

The following steps have been taken to popularise industrial education in the province :—

- (1) 9 technical institutes,
1 School of Arts, and
27 Industrial Schools
of which a list is placed on the table, have been opened in the different parts of the province to give training in the undermentioned crafts and trades :—
 - (i) handloom weaving ;
 - (ii) power-loom weaving ;
 - (iii) dyeing and calico printing ;
 - (iv) manufacture of hosiery goods ;
 - (v) cabinet making ;
 - (vi) woodwork by modern machines ;
 - (vii) metal work by modern methods—
specialising in the production of pumps ;
internal combustion engines and other allied objects
covering training in pattern making, moulding, and
casting brass and iron forging and welding, etc. ;
 - (viii) metal work specialising in the production of small machines for
operation by hand or power ;
 - (ix) tanning ;
 - (x) leather work ;
 - (xi) carpentry ;
 - (xii) blacksmithy ;
 - (xiii) coppersmithy and silversmithy ;
 - (xiv) lacquer work ;
 - (xv) electro mechanism ;
 - (xvi) die sheet metal work ;
 - (xvii) brass casting and utensil making ;
 - (xviii) fine cotton weaving ;
 - (xix) heavy metal work as applied to manufacture of hand tools ;
 - (xx) metal work as applied to lock making ;
 - (xxi) wool spinning and wool weaving ;
 - (xxii) hosiery machine manufacture ;
 - (xxiii) agricultural instruments making ; and
 - (xxiv) basketry.
- (2) Three travelling demonstration parties have been organised to give training and demonstrations in suitable rural areas of the province in handloom weaving and spinning by improved methods to men.
- (3) One travelling demonstration party has been organised for giving training in handicrafts suited for women.
- (4) A demonstration weaving factory has been established to give training through the apprenticeship system to educated persons and artisans in powerloom weaving. Efforts are also made to secure apprenticeships in other mills for the boys of the Punjab.
- (5) Scholarships are awarded from time to time by Government for technical education out of India.
- (6) The courses of instruction in the various teaching institutions of the Industries Department have been so arranged as to give facilities for training both to the educated classes and the artisans, viz., weavers, chamars, dyers, calico printers, carpenters, smiths, etc. Artisans are given special facilities by exemption from the payment of fees and by the award of suitable stipends.
- (7) Exhibitions and demonstrations are arranged on the occasions of cattle fairs and other yearly functions for the benefit of the educated classes and artisans.
- (8) In addition to the maintenance of the Government institutions referred to above, Government awards grants-in-aid to eleven technical and industrial schools run by private or public bodies.

It may be noted for the information of the honourable member that the Punjab Government has at present under its active consideration the re-organization of the various industrial schools with a view to make the training more specialised and intensive and to enable the trainees to produce articles of daily utility in the province. The education hitherto imparted under the old scheme of studies in elementary carpentry and smithy has outlived its usefulness.

*List of Industrial and Technical Institutions (both Government and aided)
in the Punjab.*

A.—GOVERNMENT INSTITUTES.

1. Government Demonstration Weaving Factory, Shahdara.
2. Government Institute of Dyeing and Calico Printing, Shahdara.
3. Government Central Weaving Institute, Amritsar.
4. Government Hosiery Institute, Ludhiana.
5. Mayo School of Arts, Lahore.
6. Government Technical School, Lahore.
7. Government Woodworking Institute, Jullundur.
8. Government Metal Works Institute, Ambala City.
9. Government Metal Works Institute, Sialkot.
10. Government Tanning Institute, Jullundur City.

B.—GOVERNMENT SCHOOLS.

1. Government Industrial School, Ambala Cantonment.
2. Government Industrial School, Amritsar.
3. Government Industrial School, Bhiwani.
4. Government Industrial School, Dera Ghazi Khan.
5. Government Industrial School, Ferozepore.
6. Government Industrial School, Gujranwala.
7. Government Industrial School, Gujrat.
8. Government Industrial School, Hoshiarpur.
9. Government Industrial School, Jhang.
10. Government Industrial School, Jullundur.
11. Government Industrial School, Kasur.
12. Government Industrial School, Kulu.
13. Government Industrial School, Ludhiana.
14. Government Industrial School, Montgomery.
15. Government Industrial School, Multan.
16. Government Industrial School, Muzaaffargarh.
17. Government Industrial School, Panipat.
18. Government Industrial School, Rawalpindi.
19. Government Industrial School, Rewari.
20. Government Industrial School, Rohtak.
21. Government Industrial School, Sargodha.
22. Government Industrial School, Sialkot.
23. Hardinge Government Industrial School, Lyallpur.
24. Government School for the Blind, Lahore.
25. Government Zenana Industrial School, Lahore.
26. Lady Maynard Industrial School for Hindu and Sikh Women and Girls, Lahore.
27. Margaret Irving Industrial School for Girls, Ambala City.

C.—INSTITUTIONS AIDED BY GOVERNMENT.

1. Victoria Diamond Jubilee Hindu Technical Institute, Lahore.
2. Arya Samaj Orphanage Industrial School, Ferozepore Cantonment.
3. S. P. G. Mission Industrial School, Gurgaon.
4. Hindu Industrial School, Kot Adu.
5. School for the Blind, Amritsar.
6. Women Industrial Home, Ferozepore Road, Lahore.
7. Darul Khawateen Industrial School, Amritsar.
8. Municipal Industrial School for Girls, Multan.
9. Hindu Industrial School for Girls, Multan.
10. League for the service of women Industrial School for Girls, Lyallpur.
11. Saraswati Industrial School for Girls, Amritsar.

D.—RECOGNISED INSTITUTIONS.

1. Dalchand Memorial Jain Industrial School, Ferozepore.
2. School for Electricians, Ludhiana.
3. Bishan Das Memorial Sanatan Dharam Industrial School for Girls, Qilla Gujjar Singh, Lahore.
4. Industrial School for Girls, Ram Nagar, Lahore.

TRAINING CLASS FOR GRADUATES IN ORIENTAL LANGUAGES.

*4969. **Chaudhri Muhammad Abdul Rahman Khan** : Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that there is no training class for graduates in the oriental languages at present in the province ;
 (b) whether it is a fact that the attention of the Government has often been drawn to the urgent necessity of starting such training class ;
 (c) if answer to (a) and (b) be in the affirmative, whether the Government intend to start this class ; if not, why not ?

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

(b) No.

(c) The class will be re-opened if and when the necessity arises.

ID-UL-ZUHA.

*4970. **Pir Akbar Ali** : Will the Honourable Finance Member be pleased to state in how many places each year on the occasion of Id-ul-Zuha (Id of sacrifice) during the last ten years, Muslims have been attacked by non-Muslims in connection with Id sacrifice, in Ambala and Jullundur divisions, stating the name of each place and the number of the dead and the wounded of the Muslims and the non-Muslims in each case, with also the measures so far adopted to stop the recurrence of such incidents with the result thereof ?

The Honourable Mr. D. J. Boyd : A statement giving the information asked for by the honourable member is laid on the table—

Statement.

Date.	Name of place.	Number of the dead.		Number of the wounded.		Measures adopted to stop recurrence of such incidents with result thereof.	REMARKS.
		Muslims.	Non-Muslims.	Muslims.	Non-Muslims.		
1	2	3	4	5	6	7	8
29th May, 1928.	Softa, Palwal police station, Gurgaon district.	..	13	4	22	There has been no recurrence of such incidents.	Eight Policemen sustained injuries.
11th May, 1930.	Gurgaon ..	..	..	..	3	Ditto ..	Six Policemen sustained injuries.
30th May, 1928.	Madepore, Nakodar police station, Jullundur district.	..	..	5	..	Ditto.	
30th May, 1928.	Malakpur, Ruper police station, Ambala district.	2	9	7	3	Ditto.	

THE SIYASAT.

***4971. Pir Akbar Ali :** Will the Honourable Finance Member kindly state whether the article "*Hakoomat ke ladle Sikhon ka adalat men machalka dene se inkar*" published in the *Siyasat* in its issue, dated 28th August, 1935, column 1, page 8, has been brought to the notice of the Government ?

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

DEPUTY SUPERINTENDENTS OF POLICE.

***4972. Pir Akbar Ali :** Will the Honourable Finance Member kindly state the number of Deputy Superintendents of Police including the prosecuting Deputy Superintendents in the Punjab and how many out of them are statutory agriculturists ?

The Honourable Mr. D. J. Boyd : Fifty-four, out of whom twenty-three are statutory agriculturists.

BRIDGES.

***4973. Pir Akbar Ali :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the direct route between villages Aspal and Sarawan in the Alamwala sub-division of the Abohar Branch, Sirhind Canal, Ferozepore district, is only one mile, but there is no bridge to cross the distributaries running between these two villages ;
- (b) whether it is a fact that the lands of the residents of the above villages lie on both sides of the canal distributaries ;
- (c) if so, whether there is any proposal for making a bridge over these distributaries in order to facilitate direct communication ?

The Honourable Nawab Muzaffar Khan : (a) The direct distance between the two villages is about $1\frac{1}{2}$ miles. Two bridges, distant about 3 miles apart, exist between the villages.

- (b) Yes.
- (c) No.

SHOOTING LICENCE.

***4974. Pir Akbar Ali :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the shooting licence is issued at the headquarters of a district ;
- (b) if so, whether the Government is aware of the inconvenience experienced by persons desirous of getting a shooting licence by having recourse to district headquarters and spending a great deal in addition to licence fee ;
- (c) what Government intends to do in the matter in order to make it possible to get a licence without having recourse to district headquarters ?

The Honourable Nawab Muzaffar Khan : (a) Yes, but in addition to the district headquarters licences can also be had from all tahsils, Government treasuries and sub-treasuries as well as stamp vendors.

(b) and (c) Do not arise.

Pir Akbar Ali : Is the Government contemplating making arrangements to issue the licences through the post offices ?

The Honourable Nawab Muzaffar Khan : I have not considered that point. I shall look into that question if so desired.

Pir Akbar Ali : Is the Honourable Member aware that at the time of the passing of the Act an assurance was given that licences may be issued by the post offices ?

The Honourable Nawab Muzaffar Khan : If the assurance was given it will be acted up to.

GRAND TRUNK ROAD (LAHORE-FEROZEPORE).

*4975. **Pir Akbar Ali :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that there is a very heavy traffic on the Lahore-Ferozepore Grand Trunk Road ;
- (b) whether it is a fact that the width of the said road in view of the heavy traffic is not sufficient ;
- (c) whether it is a fact that the width of the said road between Kasur and Lalyani is dangerously narrow ;
- (d) if answer to the above be in the affirmative, what steps have so far been taken to widen the said road ?

The Honourable Sardar Sir Jogendra Singh : (a) The volume of traffic on the Lahore-Ferozepore Road varies with different sections ; the heaviest of course being in the vicinity of Lahore, where the metalled width has been increased only recently to 30' from the junction of the road with the Mall to the Bari Doab Canal Bridge at 4/2.

(b) With the exception of only 4 miles in the vicinity of Kasur where the metalling is 9' wide, the rest of road from mile 4/2 right into Ferozepore has metalling 12' wide. It is proposed to widen the 9' wide miles to 12' as soon as funds are available ;

(c) No. No accident between Kasur and Lalyani has been reported which may be due wholly to the alleged insufficiency of the road width ;

(d) *Vide* (a) and (b) above.

Pir Akbar Ali : Is the Honourable Minister aware that 12 feet is not a sufficient width for the road between Lahore and Ferozepore where many military forces have to go ?

The Honourable Sardar Sir Jogendra Singh : I am glad to hear that. All the roads should be widened if enough money can be found.

MUKTSAR-MALOUT ROAD.

***4976. Pir Akbar Ali :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that there are a few metalled roads in the district ;
- (b) whether the road between Muktsar and Malout (21 miles) is an unmetalled road ;
- (c) whether Malout Police Station is about 70 miles from the headquarters of the district ;
- (d) whether there is a big Sikh gurdwara at Muktsar which is visited every year at the time of Maghi horse and cattle fair by more than one lakh of people ;
- (e) if so, what steps have so far been taken by the Government to improve means of communications in the said district generally and particularly to Muktsar-Malout road ?

The Honourable Sardar Sir Jogendra Singh : (a) Out of 504 miles of Class I and II roads in the Ferozepore district there are 215 miles of metalled roads.

(b) Yes.

(c) Yes.

(d) Yes.

(e) An expenditure of Rs. 1,25,000 is contemplated on the metalling of the Malout-Abohar road. As regards the Muktsar-Malout road it may be mentioned that this road in particular and the needs of Ferozepore district generally will be considered when the revised road development programme for the Punjab is drawn up.

Pir Akbar Ali : Is the Honourable Minister aware that the District Board agreed to give its share of expenditure, but the Communications Board Secretary did not agree to give his share ?

The Honourable Sardar Sir Jogendra Singh : I am not aware of it. But the Communications Board can only draw on the funds you grant and for the last two years the grant made has been just enough to repair the roads.

MUKTSAR-MALOUT ROAD.

***4977. Pir Akbar Ali :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether he has received any representation sent by the District Board, Ferozepore, for metalling the Muktsar-Malout road ; if so, what action has so far been taken thereon ;
- (b) if there is any likelihood of the Malout-Abohar road being metalled in 1935-36 ?

The Honourable Sardar Sir Jogendra Singh : (a) The matter is under consideration of the Communications Board to whom the representation was made by the District Board.

(b) The work is in progress and is likely to be completed in 1936-37.

Pir Akbar Ali : Is the Honourable Minister aware that a representation was made to him as well ?

The Honourable Sardar Sir Jogendra Singh : But the work is being carried on.

FEROZEPORE-FAZILKA ROAD.

***4978. Pir Akbar Ali :** Will the Honourable Minister for Agriculture kindly state whether there is any likelihood of the Ferozepore-Fazilka road being metalled, if so, when ?

The Honourable Sardar Sir Jogendra Singh : The road development programme is now being revised and till this revision is completed it is impossible to say when Ferozepore-Fazilka section will or will not be metalled.

ARREST IN EXECUTION OF CIVIL COURT DECREES UNDER THE PUNJAB
RELIEF OF INDEBTEDNESS ACT.

***4979. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Finance Member kindly state the number of agriculturist debtors who have been arrested and committed to civil prison in the Punjab by the civil courts in execution of civil court decrees after the enforcement of the Punjab Relief of Indebtedness Act ?

The Honourable Mr. D. J. Boyd : 143.

FRESH SOURCES OF REVENUE.

***4980. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Finance Member kindly state the action taken by the Punjab Government on the report of the committee appointed to suggest fresh sources of revenue in the Punjab ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not ready.

KHARABA.

***4981. Khan Bahadur Mian Mushtaq Ahmad Gurmani :** Will the Honourable Revenue Member kindly state—(i) whether it is a fact—

- (a) that 6 *kharaba* grades were fixed in the last settlement of Muzaffargarh district for the assessment of *kharaba* ;
- (b) that these *kharaba* grades were fixed in view of the increase made in the rate of assessment in the settlement ;
- (c) that the *kharaba* grades and the increased rate of assessment were inter-dependent ;
- (d) that the Government arbitrarily reduced the *kharaba* grades from 6 to 3 about two years ago ;
- (e) that this change has greatly reduced the percentage of *kharaba* to the detriment of the zamindars of the district ;

(ii) the percentage of *kharaba* allowed in Muzaffargarh district before and after the revision of these *kharaba* grades since the last settlement ;

(iii) whether the Government intends to introduce the old *kharaba* grades fixed in the last settlement ?

The Honourable Nawab Muzaffar Khan : (i) (a) Three *kharaba* grades for Alipur tahsil and six grades for the other tahsils.

(b) No.

(c) To some extent only.

(d) The grades were reduced to three after a very careful consideration of the case.

(e) (ii) A statement is laid on the table.

(iii) No.

Statement showing the percentage of Kharaba in the Muzaffargarh district from the year 1923-24 to 1934-35.

Year.	Leiah Tahsil.		Kot Adu Tahsil.		Muzaffargarh Tahsil.		Alipur Tahsil.	
	Kharif.	Rabi.	Kharif.	Rabi.	Kharif.	Rabi.	Kharif.	Rabi.
1	2	3	4	5	6	7	8	9
1923-24	4	13	24	10	20	13	25	14
1924-25	7	15	56	21	23	22	33	23
1925-26	12	8	40	23	34	13	31	19
1926-27	8	16	33	20	21	16	43	23
1927-28	11	11	37	20	27	13	56	22
1928-29	10	17	37	33	32	26	32	24
1929-30	29	14	66	31	40	17	37	16
1930-31	16	11	56	34	36	21	33	21
1931-32	14	10	36	11	32	25	33	17
1932-33	17	14	32	19	25	19	28	20
1933-34	14	13	32	24	23	19	31	26
1934-35	24	14	30	13	24	10	25	18

PAUCITY OF MUSLIM OFFICERS IN GURDASPUR DISTRICT.

***4982. Khwaja Muhammad Eusooif :** Will the Honourable Finance Member be pleased to state—

(a) whether the Government is aware that the Muslims of Gurdaspur have represented their grievances to Government in connection with the paucity of Muslim officers in that district ;

(b) if so, what action has been taken on the representation of the Muslims of Gurdaspur ?

Mr. F. H. Puckle (Chief Secretary) : The honourable member is referred to the answer given by me to-day to question no. *4951¹ asked by Khan Bahadur Mian Ahmad Yar Khan Daulatana.

FIRST AID BOXES OR CUPBOARDS IN FACTORIES AND MINES
IN THE PUNJAB.

***4983. Mr. M. A. Ghani** : Will the Honourable Revenue Member be pleased to state—

- (a) whether any first-aid boxes or cupboards containing (i) first-aid leaflets, (ii) a dozen or so of each of the medium, large and small, sterilised and burn dressings, (iii) sterilised cotton wool, (iv) 2 per cent. alcoholic solution of iodine, (v) bottles of sal volatile, (vi) eye drops, (vii) suitable splints, (viii) adhesive plaster, (ix) tourniquet, (x) roller bandages, (xi) triangular bandages and (xii) safety pins, are maintained in factories and mines in the Punjab for providing first-aid to the injured persons in cases of accidents there ;
- (b) whether any by-law under the Indian Factories Act and the Indian Mines Act has been framed and enforced providing for the maintenance of the first-aid boxes or cupboards mentioned in (a) ;
- (c) if answer to (a) and (b) or either of them be in the negative, reasons for not maintaining the first-aid boxes or cupboards mentioned in (a) and in not framing and enforcing the by-law mentioned in (b) ?

The Honourable Nawab Muzaffar Khan : (a) and (b)—*Factories—employing 500 or more persons.*

The reply is in the affirmative.

Mines—to which section 18 of the Indian Mines Act applies.—A box or boxes containing a sufficient supply of suitable splints and bandages, adhesive plasters, boric vaseline, cotton wool and tincture of iodine or other suitable antiseptic solution are to be maintained under the rules. These provisions are being enforced and followed.

(c) Does not arise.

Mr. M. A. Ghani : How is it that in factories employing less than 500 persons these things are not kept as a sort of safeguard ?

The Honourable Nawab Muzaffar Khan : That was the standard fixed.

Mr. President : After putting a supplementary question the honourable member should resume his seat. I cannot allow two honourable members to keep standing at the same time.

Mr. M. A. Ghani : May I know the reasons why the Government has not provided a rule for those factories which employ persons less than 500 ?

The Honourable Nawab Muzaffar Khan : It was not considered necessary to incur this expenditure when the number of employed is less than 500.

Mr. M. A. Ghani : Do I take it that in factories where less than 500 persons are employed no accidents occur ?

The Honourable Nawab Muzaffar Khan : We do not say that where 499 persons are employed these things should not be kept. The number is generally fixed at 500 so that where the number is not larger unnecessary expenditure should not be incurred.

Mr. M. A. Ghani : Is the Government prepared to provide a rule that even in such factories these things should be kept ?

The Honourable Nawab Muzaffar Khan : We are prepared to consider it.

Mr. M. A. Ghani : Thank you.

SUPPLY OF GRASS TO POLICE BY HARIJANS.

***4984. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that a large number of Harijans of a village in the Kasur tahsil of the Lahore district recently complained to the Deputy Commissioner, Lahore, that they were being compelled by certain officers to supply grass for police horses without any payment whatsoever ;
- (b) whether it is a fact that the Punjab Government has abolished *begar* ;
- (c) if answer to (a) and (b) or any of them be in the affirmative, what action has been taken against those officials mentioned in (a) ;
- (d) if no action has been taken, reasons for not taking any action ?

The Honourable Mr. D. J. Boyd : (a), (c) and (d). About two months ago a complaint was made to the Deputy Commissioner, Lahore, by a number of Mazhbi Sikhs living near Bhikhiwind to the effect that they had been compelled to supply free grass for the Sub-Inspector's horse. The officer concerned states that the grass was paid for at market rates. The matter is under inquiry by the Additional Superintendent of Police, Kasur.

- (b) The impressment by officials of unpaid labour is absolutely prohibited.

LORRY STANDS.

***4985. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that there are a large number of private motor lorry stands in different towns and cities in this province in general and in Lahore and Amritsar in particular ;
- (b) whether it is a fact that the lorry stands mentioned in (a) do not come within the purview of rule 53 (a) of the Punjab Motor Vehicle Rules, 1931, and are, therefore, outside the control of the registering authority ;

[Mr. M. A. Ghani.]

- (c) whether it is a fact that these lorry stands are often situated in the thickly populated parts of the towns and cities and are a constant source of inconvenience and nuisance to the residents there on account of the noise of the lorries, hooting of the horns, shouting of the hawkers and the hurry and the bustle of the passengers ;
- (d) whether he is aware that in other provinces of India, no person can run a private motor lorry stand except with the permission of the registering authority and the municipal corporation ;
- (e) whether the Government or the local bodies intend to provide lorry stands for parking the lorries free of any rent whatsoever ;
- (f) if answer to the above or any of them be in the affirmative, what steps have been taken or are likely to be taken to remove the inconvenience and nuisance mentioned in (c) and bring stands mentioned in (a) under the control of the registering authorities and municipal committees and provide free lorry stands as mentioned in (a) ;
- (g) if answer to (f) be in the negative, reasons for not taking the steps ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes, if the stand is on privately owned land and not in a public place.

(c) A number of representations in this sense have lately been made to Government, and there have been communications to the press. These appear to relate primarily to conditions in Amritsar, and there is some reason to believe that many of the complaints are not entirely disinterested. In the province generally the private lorry stand would appear to be a potential nuisance rather than an actual one.

(d) Government have no information, but they doubt whether it is correct that private stands are controlled in other provinces, as this part of the question seems to suggest.

(e) Where public stands are provided at which vehicles can halt for extended periods it is reasonable that the vehicle-owners should pay a charge for the facility. It is not intended to issue any new orders in this respect.

(f) The question whether legislation should be undertaken to enable the authorities to prevent the establishment of private stands in unsuitable localities, and possibly also to control their working in certain directions, is at present engaging the attention of Government.

(g) Does not arise.

PUNJAB FRANCHISE COMMITTEE MEETING.

*4986. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that on the 7th September, 1935, the Reforms Commissioner, Punjab, gave a notice to the members of the

Punjab Franchise Committee to attend a meeting thereof in his office " at Ellerslie, Simla East, on the 21st September 1935, at 11 A.M., in order to consider Government's proposals for the delimitation of constituencies for the new Council of State " ;

- (b) if so, whether it is not a fact that by virtue of a letter purporting to be issued by the Reforms Commissioner on the 16th September, 1935, the meeting of the Franchise Committee was cancelled and thus no opportunity was given to it to consider the Government's proposals ;
- (c) if answer to (b) be in the affirmative, reasons for cancelling the meeting and for not giving the opportunity mentioned in (b) ;
- (d) what steps were taken to insure that the notice cancelling the meeting would have reached the members of the committee in time so that they might not have taken the trouble to go all the way to Simla from their respective places of residence in the different parts of the province ;
- (e) whether it is a fact that the notice cancelling the meeting was too short and did not reach certain members of the Committee personally in time and in ignorance thereof, they did go to Simla to attend the meeting only to find that it had been cancelled ;
- (f) if so, what steps have been taken to insure that in future in cases similar to the one mentioned above, sufficient notice of the cancellation of a meeting is given in order to avoid trouble, expense and harassment of the members ;
- (g) if answer to (f) be in the negative, reasons for not taking the steps ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) and (c). The letter actually was issued on the date stated. The meeting was cancelled, because, in answer to the Reforms Commissioner's original letter, only one member of the Franchise Committee wrote that he had any alteration to suggest in Government's proposals.

(d) and (e) It was considered that the posting of the notice cancelling the meeting, five days before the date of the meeting, would be enough to enable the letter to reach the homes of all the members ; and it did so reach them, so that the great majority of the members did not go to Simla. The only members that did not receive information were those that had, for one reason or another, left their homes and not less than three days before it was necessary to do so for the purpose of attending the meeting.

(f) and (g) Government do not consider that any special steps are necessary, in view of the answer to (d) and (e).

Mr. M. A. Ghani : May I know if it is the practice of the Government that when matters are referred to such committees written answers are required to be sent by the members to the President of the Committee ?

The Honourable Nawab Muzaffar Khan : Out of which answer does this question arise ?

Mr. M. A. Ghani : In the letter addressed to the members of the committee it was stated that if any member wanted to put in certain proposals he had better communicate them to the Reforms Commissioner and the answer says that as only one member sent in the proposals the meeting was cancelled.

The Honourable Nawab Muzaffar Khan : We concluded that members had no proposals to make and naturally it was unnecessary to incur expenditure on this account.

Mr. M. A. Ghani : Is it necessary for the members of a committee to send in proposals in writing ?

The Honourable Nawab Muzaffar Khan : Especially when they were asked to do so. It is only to know whether there are any proposals. When there are no proposals it is unnecessary to incur expenditure and I thought you would approve that.

Mr. M. A. Ghani : May I know if that is the practice as regards other similar committees ?

The Honourable Nawab Muzaffar Khan : It is not a question of practice ; it is a question of common sense.

Mr. M. A. Ghani : May I know what steps were taken by the Government to ensure that the letters reached the homes of the members ?

The Honourable Nawab Muzaffar Khan : I think you know the ordinary presumption under the Evidence Act that a letter posted on a certain date must be presumed to have reached its destination on the due date. That is an ordinary presumption of law.

Mr. M. A. Ghani : Was the Reforms Commissioner aware that the members were at their homes ?

The Honourable Nawab Muzaffar Khan : How can he know if you leave your house long before the date ? He is not supposed to know.

Mr. M. A. Ghani : Are the members bound to stick to their homes ?

Mr. President : Next question.

DELIMITATION OF CONSTITUENCIES.

*4987. **Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Reforms Commissioner, Punjab, invited representations from the public criticising the provisional proposals of the Punjab Government regarding the delimitations of constituencies in this province for the consideration of the Indian Delimitation Committee ;
- (b) whether he will put a list of the representations mentioned in (a) on the table of the House ;
- (c) whether it is a fact that the copies of the representations were not supplied to the members of the Punjab Franchise Committee ;
- (d) whether it is a fact that in all such Indian Commissions and committees with whom the provincial members sit for discussion, copies of representations from the public are always

supplied to the latter in order to put them in possession of the views of the public for the purpose of facilitating discussions ;

- (e) whether it is a general grievance that the members of the Punjab Franchise Committee were greatly handicapped in their discussions with the Indian Delimitation Committee on the 3rd October, 1935, on account of the non-supply to them of the copies of the representations mentioned in (c) ;
- (f) if answer to (d) and (e) or either of them be in the affirmative and answer to (c) be in the negative, reasons for not supplying the copies mentioned in (c) ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The list is placed on the table.

(c) Yes.

(d) Government have no knowledge.

(e) Government have no knowledge.

(f) Does not arise.

Statement of representations received re delimitation of constituencies.

Serial No.	From whom	Subject.
1	Mr. K. L. Rallia Ram, Punjab Indian Christian Conference.	Indian-Christians ; readjustment of constituencies.
2	Mr. E. Mayadas, M.L.C.	Ditto ditto.
3	Punjab Christian Union—Mr. J. E. Lewis	Indian Christians ; protests against alteration.
4	Mr. S. P. Singha, M.A., Controller of Examinations, Punjab University.	Indian Christians : re-arrangement of districts.
5	Punjab Ad-Dharam Mandal, Jullundur..	Depressed classes ; re-allotment of seats.
6	Dalit Pratinidhi Sabha, Lahore ..	Ditto ditto.
7	Achhut Board, Lyallpur, and All-India Ad-Dharam Mandal, Lyallpur.	Ditto ditto.
8	B. Haas Raj, Member, Provincial Franchise Committee.	(a) Ditto ditto. (b) Poona Pact questions.
9	Punjab Provincial Depressed Classes Association, Lahore.	As No. 7.
3 ^{1/2} (a)	Punjab Megh Mandal, Sialkot ..	Point out that no constituency contains Meghs.
10	Khalsa Darbar, Amritsar	Wants to allot 3 of the Sikh seats to Sikh depressed classes.
11	Central Khalsa Biradari League, Jullundur.	Ditto ditto.

[Hon. Nawab Muzaffar Khan.]

Serial No.	From whom	Subject.
12	Mr. M. A. Ghani, M.L.C., Member, Provincial Franchise Committee, General Secretary, Punjab Labour Board.	Labour constituencies.
13	Diwan Bahadur Raja Narendra Nath, M.L.C.	Agriculturist and non-agriculturist.
14	Pandit Nanak Chand, M.L.C.	Ditto ditto.
15 & 16	Lala Brij Lal, Secretary, Hindu Rights Protection Board, Lahore.	Urban and rural.
17	Sumatri Prasada Jain and Shrimati Lekhwati Jain, M.L.C., of Ambala.	<p>(a) Object to urban rural distinction.</p> <p>(b) Object to urban definition.</p> <p>(c) Object to proposed women's constituencies.</p> <p>(d) Wish to add Punjab Traders Association of Lyallpur to Commerce Constituency.</p>
18	Captain Lal Chand, M.L.A., of Rohtak	<p>(a) Objects to rural-urban allotment.</p> <p>(b) Wants two scheduled caste seats to be urban.</p>
19	Kanwar Manraj Singh, Chohan, of Ambala, M.L.C.	<p>(a) General urban-rural distinction.</p> <p>(b) Objects to allotment of general women's seat.</p> <p>(c) Objects to distribution of rural general seats in Ambala division and suggests alternative.</p>
20	Anjuman Islamia, Punjab, Lahore	<p>(a) Says that there should be more Muslim urban seats, especially as some rural seats have too small constituencies.</p> <p>(b) Suggests on this basis splitting up one of the urban constituencies.</p> <p>(c) Says that both Muslim women's seats should go to Lahore or to Lahore and Amritsar cities.</p>
21	Rao Bahadur Chaudhri Chhotu Ram, M.L.C.	<p>(a) Urban-rural.</p> <p>(b) Delimitation of rural seats.</p> <p>(c) Suggests that the Sikh women's seat should go to Ferozepore.</p> <p>(d) Claims more seats for Rohtak and Ambala division.</p> <p>(e) Objects to scheduled castes delimitation.</p>
22	Indian Chamber of Commerce	Objects to Commerce constituency and wants to be included in it.
23	Lala Ram Narain, Mill-owner of Lyallpur	<p>(a) Wants Commerce constituency to include factories and Lyallpur Merchants Association.</p> <p>(b) Objects to our qualifications for labour candidates.</p>

Serial No.	From whom	Subject.
24	Managing Director, Sunlight of India Insurance Co., Ltd., Lahore.	(a) Objects to Commerce constituency. (b) Wants inclusion of other Chambers, etc. (c) Wants to reduce qualifying capital of companies or to take subscribed capital of Rs. 2½ lakhs or suggests every trader paying income-tax on Rs. 15,000 per annum. (d) Wants to exclude Har-do-Daska from urban areas as being two villages.
25	Northern Indian Chamber of Commerce and Punjab Chamber of Commerce jointly.	Object to the inclusion of companies to the Commerce constituency.
26	Mr. M. E. Charles, Member, District Board, Gujranwala, and Vice-President, Punjab Christian Union.	Indian Christian re-adjustment of constituencies.
27	Punjab Traders Association ..	Agriculturist—non-agriculturist.
28	Sir Sundar Singh Majithia	(a) Wants inclusion of factories in Commerce constituency. (b) Suggests inclusion of Montgomery and Lyallpur in West Punjab labour constituency.
29	Punjab Merchants Association ..	Wants to be included in the Commerce constituency.
30	Lala Mehr Chand, P.S.E., pensioner of Mianwali.	Objects to urban-rural distinction.
31	Chaudhri Bahawal Bakhsh, Honorary Magistrate, Gujrat.	Objects to system of enrolment on application of women.
32	Sardar Harnam Singh, Advocate, Lahore	Wants Gujrat Khan to be classed as urban area.
33	Some Sikhs of Ferozepore (Moga tahsil)	(a) Want re-organisation of the four Ferozepore Sikh rural seats. (b) Want Sikh women's seat for Ferozepore.
34	Sermukh Singh of Gaggarbana, Amritsar	Wants re-allotment of Amritsar Sikh rural seats.
35	Secretary, Khalsa Darbar, Amritsar ..	Ditto ditto.
36	Two Sikhs of Amritsar	Ditto ditto.
37	A Sikh of Najoke, Amritsar ..	Ditto ditto.
38	Rai Bahadur Sardar Basakha Singh of Amritsar and Delhi.	Ditto ditto.
39	Sardar Sampuran Singh, M.L.C., of Lyallpur.	Suggests alteration of some Sikh rural constituencies.

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Serial No.	From whom	Subject.
40	A Sikh of Nagoke in Amritsar ..	Says generally that Sikh rural seats have been unevenly distributed.
41	Lala Lakhmi Das Malhotra, President, Municipal Committee, Lyallpur.	Wants Jhang and Chiniot municipalities to be grouped with Multan division instead of with Rawalpindi division.
42	Secretary, Hindu Sabha, Chiniot ..	Ditto ditto.
43	Mr. C. Rai, Barrister of Sialkot ..	Objects to Sialkot and Gujrat being joined together as a general rural constituency.
44	Pandit Mulkh Raj, Pleader of Sialkot ..	Ditto ditto.
45	Anjuman Himayat-i-Islam, Jandiala, Amritsar.	Wants Jandiala town to be included in Amritsar tahsil rural.
46	Nawab Talib Mehdi Khan, Jhelum ..	Wants three Janjua zails from Jhelum tahsil to be joined with Pind Dadan Khan tahsil.
47	Four Muslims of Shakargarh ..	Want to make Shakargarh a separate constituency and join Pathankot with Gurdaspur instead.
48	Ali Akbar, Honorary Magistrate, Gurdaspur, ex-M.L.C.	Ditto ditto.
49	Mian Nurullah, M.L.C., Lyallpur ..	Wants an extra seat for Lyallpur Muslim rural. Alternatively suggests re-distribution of the 4 Lyallpur seats.
50	Lieutenant Sardar Dost Muhammad Khan, O.B.I., I.O.M., Campbellpur.	Wants re-adjustment of two zails.
51	Raises of Attock district	Ask for one more seat for the district and suggest delimitation accordingly.
52	Abdullah Khan, retired tahsildar, honorary magistrate, Kharian.	Suggests slight alteration of 3 Gujrat Muslim constituencies on tribal grounds.
53	Chaudhri Bahawal Bakhsh, honorary magistrate, Gujrat.	Ditto ditto.
54	Mehr Muhammad Khan, President, Town Committee, Tohana.	Wants one more Muslim rural seat for Hissar.
55	Mir Maqbool Mahmood of Amritsar ..	Wants women to be enrolled by description instead of by name.
56	Mian Sir Fazl-i-Husain	Landholders. Suggests re-distribution of seats.
57	Malik Sir Firoz Khan Noon, H.M.E. ..	Ditto ditto.
58	Mr. M. A. Khan, Central Labour Federation, Punjab.	Labour constituencies.

WITNESSES BEFORE THE INDIAN DELIMITATION COMMITTEE.

*4988. **Mr. M. A. Ghani** : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that certain ladies and gentlemen were summoned to Simla by the Reforms Commissioner, Punjab, to appear as witnesses before the Indian Delimitation Committee on the 3rd, 4th and 5th October, 1955 ;
- (b) if so, whether he will place on the table of the House a list of the witnesses together with the interests represented by them ;
- (c) whether it is a fact that the Secretary of the Indian Delimitation Committee and the Reforms Commissioner, Punjab, refused to pay the travelling expenses to the witnesses ;
- (d) if so, reasons for the non-payment of the travelling expenses ?

The Honourable Nawab Muzaffar Khan : (a) Yes, at the request of the Indian Delimitation Committee.

(b) The list is placed on the table.

(c) No. The Reforms Commissioner has not refused to pay travelling allowance, not having been asked to do so ; nor have the Committee refused to pay.

(d) Does not arise.

List of persons summoned to appear before the Indian Delimitation Committee.

Serial No.	Name.	Subject.
1	Mr. M. A. Ghani, Bar-at-Law, M.L.C., General Secretary, Punjab Labour Board, Lahore.	Labour constituencies.
2	Mr. M. A. Khan, President, Central Labour Federation, Punjab, Lahore.	Ditto.
3	Rao Bahadur Chaudhri Chhotu Ram, M.L.C., Rohtak.	General urban rural question and allotment of seats to the Ambala division.
4	Kanwar Mamraj Singh, M.L.C., Ambala..	Ditto.
5	Pandit Nanak Chand, M.L.C., Lahore ..	Agriculturist and non-agriculturist question.
6	Lala Brij Lal, Secretary, Hindu Rights Protection Board, Lahore.	Urban and rural question.
7	Mr. K. L. Rallia Ram, Punjab Indian Christian Conference, Lahore.	Indian Christian constituencies.
8	Mr. E. Mayadas, M.L.C., Ferozepore ..	Ditto.
9	Mr. J. E. Lewis, Punjab Christian Union, Lahore.	Ditto.
10	Mr. S. P. Singha, Controller of Examinations, Punjab University, Lahore.	Ditto.

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Serial No.	Name.	Subject.
11	The Punjab Ad-Dharam Mandal, Jullundur.	Scheduled castes constituencies.
12	The Punjab Provincial Depressed Classes Association.	Ditto.
13	The Northern India Chamber of Commerce and the Punjab Chamber of Commerce.	Commerce constituency.
14	The Indian Chamber of Commerce ..	Ditto.
15	Shrimati Lekhwati Jain, M.L.C., Ambala	Women's constituencies; urban and rural question and commerce constituency.
16	Anjuman Islamia, Punjab, Lahore ..	Muslim urban representation and Muslim women's seats.
17	Raj Bahador Sardar Basakha Singh, New Delhi.	Amritsar Sikh rural seats.
18	Sardar Sampuran Singh, M.L.C., Lyallpur	Sikh rural constituencies.

RESTRICTIONS ON PUBLIC TO PUNJAB SECRETARIAT.

*4939. **Mr. M. A. Ghani** : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that every visitor to the Punjab Secretariat at (i) Lahore and (ii) Simla, has to sign a book kept in the Gate Police Room and visitors' room, respectively ;
- (b) whether it is a fact that no visitor can interview any official in the Secretariat without his first persuading a police man to send his (visitor's) card to him ;
- (c) since when the arrangement of interviews has been enforced and by whom ;
- (d) whether he is aware that the arrangement mentioned in (a) and (b) in practice, puts an unnecessary clog on the free access of the members of the public to the officials mentioned in (a) ;
- (e) whether he is aware that the arrangement mentioned in (a) and (b) is most disliked by the visitors as being unnecessarily troublesome, humiliating, obstructive and expensive ;
- (f) if answer to (d) and (e) or either of them be in the affirmative, reasons for the arrangement mentioned in (a) and (b) and steps taken by him to remove the grievances mentioned in (d) and (e) ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) Visitors who have had the forethought to arrange an interview beforehand with the official whom they desire to see are admitted at once on signing the Visitors' Book : others are required to wait until the official whom they desire to see has intimated that he is prepared to see them.

(c) Since April 1931 under the orders of the Chief Secretary. Punjab Government's letter No. 10099 (Home-General), dated 24th March 1931 and a note communicated to the Press are laid on the table.

(d) No.

(e) No complaints have been received.

(f) The reasons for the introduction of the present system were two : (1) to keep undesirable persons out of the Secretariat and (2) to prevent officials working in the Secretariat from being disturbed in their work at all hours of the day. It is more convenient always for officials and often for visitors that the times of visits should be fixed beforehand.

Mr. M. A. Ghani : What is the meaning of "undesirable persons" ?

Mr. F. H. Puckle : "Undesirable" means a person not desirable. (Laughter).

Mr. M. A. Ghani : May I know whether the sub-inspector in charge of the gate is in a position to say whether a certain person is desirable or not desirable ? Does he hold an enquiry ?

Mr. F. H. Puckle : I do not consider it arises out of my answer.

Copy of a letter No. 10099 (H.—Genl.), dated the 24th March 1931, from the offg. Chief Secretary to Government, Punjab, to (1) Heads of Departments, (2) the Secretary, Punjab Legislative Council.

SUBJECT :—Arrangements for the admission of visitors to the Secretariat.

It has been decided to enclose, with a fence, the Secretariat compound and to use only the main gate as the ordinary entrance to the Secretariat for persons having business there. As soon as the necessary arrangements have been completed, an Enquiry Office will be located at the main gate. An officer will be constantly on duty there, and will be provided with a telephone. All visitors to the Secretariat will be requested to enter their names in a book which will be kept at the Enquiry Office. If a visitor is known to the Officer in Charge, he will be allowed to enter. If the Officer in Charge does not know the visitor, he will enquire from the officer whom the visitor states he intends to visit whether the latter desires that the visitor should be admitted.

2. It is realized that these regulations may, at any rate at first, cause a certain amount of inconvenience to members of the public and possibly also to members of Government and officials. It is suggested therefore that interviews in the Secretariat should be, as far as possible, by pre-arranged appointment. It would then be possible for, e.g., the Personal Assistant to a Member or Minister, Secretary or Head of a Department to send to the Officer in Charge of the Enquiry Office a list of visitors to whom appointments had been given. Such visitors on arrival could then be admitted when they arrive without delay.

3. The rules as regards visitors in general will not, of course, apply to members of the Legislative Council who may come and go as they wish.

Will Director Information Bureau kindly make public through the newspapers the following notice :—

"It is notified for general information that in future admittance to the Civil Secretariat will be by the main gate only. Members of the public having business in the Secretariat are advised in their own interests to make previous appointments. Otherwise they are liable to be detained at the gate until it is ascertained whether their business can be attended to. This regulation does not apply to members of the Legislative Council."

POLICE STAFF AT THE GATES OF PUNJAB SECRETARIAT.

***4990. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) the number of police officers and police men who are stationed at the gates of the Punjab Secretariat at (i) Lahore and (ii) Simla ;
- (b) their salaries ;
- (c) total cost of the police room built near the gate of the Punjab Secretariat at Lahore ;
- (d) reasons for expenditure mentioned in (b) and (c) ?

Mr. F. H. Puckle (Chief Secretary) : (a) (i) 1 sub-inspector, 2 head constables, 18 foot constables.

(ii) 1 head constable, 4 foot constables.

(b) Lahore—Rs. 687-4-0 per mensem.

Simla—Rs. 149 per mensem.

(c) Rs. 946.

(d) To secure the safety of the Secretariat and Council buildings and of those whose duty requires them to work there.

Mr. M. A. Ghani : May I know if the Chief Secretary is aware that neither in the Government of India Secretariat nor in the Secretariat of any other province in this country or in any other country in the world such an expenditure is incurred in such matters ?

Mr. F. H. Puckle : I am not aware.

FENCING ROUND THE PUNJAB SECRETARIAT, LAHORE.

***4991. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that a barbed wire fencing has been put round the Punjab Secretariat at Lahore ;
- (b) whether it is a fact that on account of the fencing all accesses to the Secretariat have been closed except the main gate ;
- (c) whether it is a fact that on account of the closing of all the accesses except the main gate, all employees of the Secretariat and the visitors to it have to pass through the main gate to go to their respective destinations although they could do so more easily had the accesses not been closed ;
- (d) reasons for (i) putting the fencing and (ii) closing all accesses except the main gate ?

Mr. F. H. Puckle (Chief Secretary) : (a), (b) and (c) Yes.

(d) The honourable member is referred to the answer to part (f) of question No. *4989 (prepage).

RECRUITMENT TO PROVINCIAL CIVIL MEDICAL SERVICE.

***4992. Lala Jyoti Prasad :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact—

- (i) that in the last selection for recruitment to the Provincial Civil Medical Service, out of the 12 men taken, only two were Hindus ;
- (ii) that out of these two also, one was taken due to his being an agriculturist and not because of his merit ;
- (iii) that non-Muslims standing first and second in the M.B., B.S. examination of the Punjab University were rejected while Muslims with much lower positions were taken ;

(b) whether Government has considered the desirability of making recruitment to the Medical Service on the basis of merit alone ?

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

(iii) No, the non-Muslim who stood first in the final M.B., B.S. examination was selected.

(b) The selection is always made on merits with due regard to communal proportion in the Medical Service. The best men are selected from each community. The selection is made by a board of 6, out of whom 4 are members of this honourable House and the 5th is the Inspector-General of Civil Hospitals and the 6th Principal, King Edward Medical College.

COPYING AGENCY.

***4993. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) whether a scheme for fixation of pay and re-organisation of the copying agency in the Punjab is under the consideration of the Government ;
- (b) what pay Government proposes to fix for the new recruits and the old hands ;
- (c) whether there will be any distinction between the two ; if not why not ;

The Honourable Nawab Muzaffar Khan : (a) A general reorganization is under consideration but no scheme has been prepared so far.

(b) and (c) These questions are premature.

COPYISTS.

***4994. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that in 1920 there was a proposal by the then Financial Commissioner to bring the English copyists on a permanent scale of Rs. 75—5—125 ;

[L. Jyoti Prasad.]

- (b) what circumstances have now compelled the Government to fix the pay of the copyists at such a low scale as Rs. 25, having no regard to length of service and without any annual increment ;
- (c) whether it is a fact that typists in deputy commissioners' offices get annual increments ;
- (d) if so, the reasons for distinction between typists and copyists as regards the increment ?

The Honourable Nawab Muzaffar Khan : (a) It is a fact that in 1923—not 1920 as suggested in the question—Mr. Abbott prepared a scheme to bring copy clerks on permanent scales of pay. One of the scales suggested was Rs. 75—5—125.

(b) The reorganisation of the agency is receiving the attention of the Financial Commissioner and the question of pay is under consideration.

(c) Yes, if they are not apprentice or copy clerks.

(d) Does not arise.

COPYISTS.

***4995. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

(a) whether a letter from Sardar Jawahar Singh Dhillon, Member, Legislative Council, addressed to the Editor of the *Tribune* appearing in its issue of April 2, 1935, about the deplorable condition of copyists in the Punjab has come to the notice of the Government ;

(b) if the answer to (a) be in the affirmative, what action Government has taken or proposes to take in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The letter will be taken into consideration along with other material available with Government when the reorganization of the Copying Agency is undertaken.

RECRUITMENT TO MEDICAL SERVICE.

***4996. Lala Jyoti Prasad :** Will the Honourable Minister for Education kindly state—

(a) whether it is a fact that the Inspector-General of Civil Hospitals, Punjab, published an advertisement in the *Tribune* of the 16th September for the recruitment of sub-assistant surgeons fixing the age limit as 25 years ;

(b) whether it is also a fact that he published another advertisement in the same paper of the 12th September for the recruitment of the assistant surgeons fixing the age limit as 35 years ;

(c) whether it is also a fact that there is a difference of only three years in the courses of study of the assistant and sub-assistant surgeons ;

- (d) if the answer to (c) be in the affirmative, why this difference of ten years in the recruitment of two services is maintained ;
- (e) under the above circumstances, whether the Government is prepared to increase the age limit in the case of the recruitment of sub-assistant surgeons also ?

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

(b) The advertisement issued in two issues of the *Tribune*, dated the 30th September and 2nd October, 1935, and not in the issue, dated the 12th September, 1935, as stated by the honourable member.

(c) Yes.

(d) The difference is maintained by Subsidiary Rule 3·5, the reason being that assistant surgeons, before appointment as such, have to pass F.Sc. examination and have to put in five years in the Medical College, while sub-assistant surgeons have to pass only the Matriculation examination and have to put in only four years in the Medical School. It also enables men who after passing M.B., B.S., Punjab, proceed to Europe for further medical qualifications to be recruited to Punjab Civil Medical Service.

(e) No. In the first place a large number of medical licentiates, not exceeding the age of 25 years, is always available for employment as sub-assistant surgeons and in the second place the age limit can be extended, in special circumstances, by the Inspector-General of Civil Hospitals under Subsidiary Rule 3·7.

EXAMINERS.

***4997. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that before 1933, examiners were appointed from senior copyists and they were considered as senior copyists drawing Rs. 100 per month as pay ;
- (b) whether it is a fact that after 1933, when old examiners were made permanent, they in certain districts like Rohtak, Jullundur and Amritsar were given the grades of Rs. 75—5—125 and Rs. 40—2—90, starting at Rs. 75 per month ;
- (c) whether it is a fact that the average income of a copyist then was more than the pay of an examiner or equal to that ;
- (d) if so, why the same grades are not given to those old copyists by the Government, who are in service since then ;
- (e) the reasons for paying the copyists at the rate of Rs. 25 per month for the whole of their lives and the newly recruited free copy clerks at the rate of Rs. 30 a month ?

The Honourable Nawab Muzaffar Khan : (a) Examiners were ordinarily recruited from among copyists on Rs. 80 and Rs. 100 per mensem.

(b) Yes, on Rs. 76 per mensem.

(c) There is no record from which a reply can be given.

(d) Does not arise.

(e) It is not proposed to pay copyists Rs. 25 for the whole of their lives.

SANITARY BOARD AND BOARD FOR SELECTION OF ASSISTANT SURGEONS.

*4998. **Lala Jyoti Prasad** : Will the Honourable Minister for Education kindly state—

- (a) when the present Sanitary Board and the present Board for Selection of Assistant Surgeons were last constituted ;
- (b) the names of the present members of both the boards ;
- (c) the names of the members of the boards previous to the ones now existing ;
- (d) whether the members are nominated or elected ;
- (e) if nominated, what principle is observed in nomination ?

The Honourable Malik Sir Firoz Khan Noon : (a) The present Sanitary Board was constituted in 1934, while the Board for Selection of Assistant Surgeons in 1932.

(b) *Sanitary Board*—

- (1) The Honourable Minister for Education (President).
- (2) The Secretary to Government, Transferred Departments.
- (3) The Finance Secretary to Government.
- (4) The Secretary to Government, Public Works Department, Buildings and Roads Branch.
- (5) The Inspector-General of Civil Hospitals.
- (6) The Director of Public Health (also Secretary).
- (7) The Superintending Engineer, Public Health Circle.
- (8) The Commissioner of the division in which the Board meets.

NON-OFFICIALS.

- (9) Shaikh Abdul Ghani, M.L.C.
- (10) Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, C.I.E., M.L.C.
- (11) Mukand Lal Puri, Esq., M.L.C.
- (12) Guru Jaswant Singh, M.L.C.
- (13) Khwaja Muhammad Eusoof, M.L.C.
- (14) Sardar Sahib Sardar Ujjal Singh, M.L.C.
- (15) Rao Bahadur Chaudhri Chhotu Ram, M.L.C.

Board for Selection of Assistant Surgeons.

- (1) The Inspector-General of Civil Hospitals (President).
- (2) The Principal, King Edward Medical College, Lahore.

NON-OFFICIALS.

- (3) Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, C.I.E., M.L.C.
- (4) Sardar Sampuran Singh, M.L.C.
- (5) Chaudhri Riasat Ali, M.L.C.
- (6) Kanwar Mamraj Singh Chohan, M.L.C.

(c) *Sanitary Board.*

(1—8) As in clause (b) above.

NON-OFFICIALS.

- (9) M. Din Muhammad, M.L.C.
- (10) Shaikh Abdul Ghani, M.L.C.
- (11) Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, M.L.C.
- (12) Rai Bahadur Lala Mohan Lal, M.L.C.
- (13) Mukand Lal Puri, Esq., M.L.C.
- (14) Guru Jaswant Singh Sodhi, M.L.C.
- (15) Khwaja Muhammad Eusoof, M.L.C.

Board for Selection of Assistant Surgeons.

(1-2) As in clause (b) above.

NON-OFFICIALS.

- (3) Khan Bahadur Nawab Mian Muhammad Hayat Qureshi, M.L.C.
- (4) Sardar Bahadur Sardar Mohan Singh, M.L.C.
- (5) Khan Bahadur Shaikh Din Muhammad, M.L.C.
- (6) Kanwar Mamraj Singh Chohan, M.L.C.

(d) The members of both the Boards are nominated.

(e) Communal representation is borne in mind, and in the case of the Sanitary Board, which is now a combination of Urban and Rural Sanitary Boards, nomination is made with due regard also to urban and rural representation on the Board.

MISAPPROPRIATION OF GOVERNMENT MONEY IN THE OFFICE OF DISTRICT
INSPECTOR OF SCHOOLS, HISSAR.

***4999. Lala Jyoti Prasad :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that there had been any misappropriation of Government money recently in the office of District Inspector of Schools, Hissar ;
- (b) if so, how the misappropriation took place and whether there was any defect in the system ;
- (c) whether Government orders relating to the handling of money were observed ?

The Honourable Malik Sir Firoz Khan Noon : The matter is under investigation.

COMMUNAL REPRESENTATION ON LOCAL BODIES.

***5000. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Minister for Local Self-Government please—

- (a) lay on the table a copy of the circular letter No. 1020-S. (L. S.-G.—Bds.) dated 31st May, 1935, addressed by the Secretary to Government, Punjab, Transferred Departments, to all Commissioners on the subject :—
Proportion of seats to which each community is entitled on local bodies ;
- (b) name the local bodies from or concerning which complaints have been received by the local Government against the formula, according to which the number of seats, to which each community is entitled, is determined at present ;
- (c) give the dates of complaints with the names of local bodies concerned ;
- (d) state the extent to which the complaints of or about each local body—
 - (i) is due to the introduction of the factor of population ; and
 - (ii) shall disappear if the factor of population is excluded from the formula in force ?

The Honourable Dr. Sir Gokul Chand Narang : (a) A copy of Punjab Government letter No. 1020-S. (L. S.-G.—Boards), dated the 31st May 1935, is laid on the table.

(b) No such complaints have been received from or with reference to any particular local body ; but the question has been raised from time to time, by Hindus that the formula should be modified, so as to take the fact of taxation into account.

(c) and (d) Do not arise.

Mr. Muhammad Din Malak : Did the suggestion emanate from the Honourable Minister himself ?

The Honourable Dr. Sir Gokul Chand Narang : That question is coming up shortly.

Copy of a letter No. 1020-S. (L. S.-G.—Boards), dated the 31st May, 1935, from P. Marsden, Esq., I.C.S., Secretary to Government, Punjab, Transferred Departments, to all Commissioners of Divisions.

SUBJECT :—*Proportion of seats to which each community is entitled on local bodies.*

THE proportion of seats to which each community is entitled in the case of local bodies is at present worked out on the average of population and voting strength of each community. The method of working out this formula is illustrated in the statement forwarded with Punjab Government endorsement No. 28910, dated the 23rd September, 1931. It has now been suggested to the Punjab Government (Ministry of Local Self-Government) that this formula be revised by the introduction of a third factor, namely, the amount of direct taxes paid by each community. I am, therefore, to request that the opinions of all local bodies in your division be obtained on this proposal and forwarded to Government with your own views and those of the selected Deputy Commissioners of your division.

DIRECT TAXES AND DETERMINATION OF SEATS ON LOCAL BODIES.

***5001. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Minister for Local Self-Government please :—

- (a) mention the name of the person who suggested to the Punjab Government (Ministry of Local Self-Government) that the present " formula be revised by the introduction of a third factor, namely, the amount of direct taxes paid by each community " ;
- (b) name the direct taxes which are collected by the local bodies in the Punjab ;
- (c) state the amount of direct taxes levied by—
 - (i) municipal committees,
 - (ii) cantonment boards,
 - (iii) small town committees,
 - (iv) notified areas, and
 - (v) district boards
 during the five financial years, 1930 to 1934, from the Hindu, Sikh, Muslim, Christian and other communities in the Punjab ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The honourable member is presumably referring to letter No. 1020-S. (L.S.-G.—Bds.), dated

the 31st May, 1935, from the Secretary to Government, Punjab, Transferred Departments, to all Commissioners, in which Commissioners were requested to obtain the opinions of all local bodies on the suggestion. This letter was issued as a result of a resolution passed by the Standing Committee on Local Self-Government, and as the honourable member will see from the terms of the letter itself which has been laid on the table in reply to his previous question, the object of the letter is to elicit the views of local bodies, Commissioners and selected Deputy Commissioners on the proposal.

(b) The direct taxes which are collected by local bodies include *inter alia* house-tax, annual taxes on property, animals and vehicles, profession tax, motor tax, haisiyat tax and local rate.

(c) It is impossible to give this information as taxes collected from various communities are not entered separately.

Mr. Muhammad Din Malak : Did the Honourable Minister receive any deputation on the subject? If so, who were the deputationists? I mean the deputation on the question of introduction of the third factor, the amount of direct tax paid by each community.

The Honourable Dr. Sir Gokul Chand Narang : The honourable member has been in touch with this matter. He would know that the question had been agitated since 1923.

Mr. Muhammad Din Malak : My question is whether the Honourable Minister saw any deputation on the subject.

The Honourable Dr. Sir Gokul Chand Narang : A deputation consisting of a large number of Hindus insisting upon the inclusion of this as a factor in the formula.

Mr. Muhammad Din Malak : Was the Honourable Minister in possession of some material about the amount of taxes which were paid before he issued the circular in question?

The Honourable Dr. Sir Gokul Chand Narang : It was to collect that information after ascertaining local bodies' views.

LOCAL BODIES AND ADULT SUFFRAGE OR PLURAL VOTING ON BASIS OF PROPERTY.

***5002. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Minister for Local Self-Government please state whether the Government have any objection to introducing in the local bodies of the Punjab adult suffrage or plural voting on the basis of property?

The Honourable Dr. Sir Gokul Chand Narang : The question of adult suffrage was considered by Government in 1928 but was dropped and it is not proposed to take it up again. The other part of the question is too vague for a definite reply.

FRUIT SPECIALIST.

***5003. Khan Bahadur Mian Ahmad Yar Khan Daulatana :** Will the Honourable Minister for Agriculture please state—

(a) whether the Government Fruit Specialist, Punjab, was sent in 1934, to Egypt, Palestine, Italy, Switzerland and France to study the fruit industry in those countries ;

[K. B. Mian Ahmad Yar Khan Daulatana.]

- (b) if so, how much Government contributed towards his expenses ;
- (c) whether he collected any information about the methods of fruit growing, kinds of fruit that might be introduced in India, the law and practice of those countries regarding development and marketing of fruits ;
- (d) if so, whether he submitted his report in writing to Government ;
- (e) whether Government is aware that the fruit growers in the Punjab are anxiously waiting for the publication of that report ;
- (f) whether Government proposes to make it available for the benefit of the public ; if so, when ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) £ 150.

(c) Yes.

(d) Yes.

(e) Government have no information.

(f) Selections from the report will appear in due course as a series of articles in " Seasonal Notes," and Government may aid its publication by the Fruit Growers' Association.

STUDENTS OF DEPRESSED CLASSES IN THE CENTRAL TRAINING COLLEGE,
LAHORE.

***5004. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister for Education be pleased to state—

- (a) whether any students belonging to the depressed classes were admitted to the Central Training College this year ; if so, how many ;
- (b) whether any concessions in the way of remission of tuition and hostel fees were allowed to them ;
- (c) whether he is prepared to sanction some special stipends to the students of these poor and indigent classes ?

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

(b) and (c) Students belonging to the depressed classes are allowed half fee concessions in tuition fee, provided they do not enjoy any stipends.

Two students have already been granted a stipend of Rs. 20 per mensem each and two such stipends are available each year for such students.

Diwan Bahadur Raja Narendra Nath : Do you consider that only two scholarships are sufficient to encourage this very backward and poor class ?

The Honourable Malik Sir Firoz Khan Noon : More than two people have never applied for the scholarships.

Diwan Bahadur Raja Narendra Nath : I can send applicants in much larger number.

Mr. M. A. Ghani : Is the Honourable Minister for Education aware that in Bombay and Madras Presidencies the members of the depressed classes are charged no fees in schools ?

The Honourable Malik Sir Firoz Khan Noon : I am not aware of any such information.

Mr. M. A. Ghani : Is the Honourable Minister prepared to make an enquiry into the matter and not charge any fees from the students belonging to this unfortunate class ?

COMMUNAL PROPORTIONS FOR RECRUITMENT OF SUBORDINATE
ESTABLISHMENT AT HEADQUARTERS.

***5005. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Revenue Member be pleased to state—

- (a) whether directions have been issued to deputy commissioners of various districts fixing communal proportions for the recruitment of subordinate establishment working at the headquarters of districts and tahsils ; if so, whether he will lay on the table of the Council a copy of those directions ;
- (b) if any proportions have been fixed in these directions, whether the directions provide for adequate representation of communities which happen to be in a minority in the districts concerned ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

COMMUNAL PROPORTIONS FOR RECRUITMENT OF ESTABLISHMENT AT
HEADQUARTERS.

***5006. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Revenue Member be pleased to state whether recently any representation was received by local Government from the Hindus serving on the headquarters staff in Rawalpindi district, complaining of their inadequate representation in the establishment at the headquarters of Rawalpindi district ; if so, what orders were passed by local Government on that representation ?

The Honourable Nawab Muzaffar Khan : Yes. Detailed enquiries were made which showed that the allegations contained in the petition were not in accordance with facts.

RURAL CONSTITUENCIES IN THE PROVISIONAL ELECTORAL ROLL.

***5007. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Revenue Member be pleased to state—

- (a) the total number of persons belonging to non-agricultural tribes (i) of all communities, (ii) of the Hindu community in the rural constituencies of the province, in the provisional electoral roll ;
- (b) what proportion they bear to the total number of voters (i) of all communities and (ii) of the Hindu community in those constituencies ?

The Honourable Nawab Muzaffar Khan : (a) According to the provisional roll the total number of persons not being members of statutory agricultural tribes—

- (i) of all communities is 769,328, and
 - (ii) of the Hindu community inclusive of all the general population in the general rural constituencies is 286,880.
- (b) The question is not clear ; but—
- (i) the total of voters not belonging to statutory agricultural tribes is 29·7 per cent. of the grand total of all voters, and
 - (ii) the number of rural general voters not belonging to statutory agricultural tribes is 45 per cent. of the total rural general voters.

UNSTARRED QUESTIONS AND ANSWERS.

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

1275. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether the *Fauji* zamindars of Kahuta tahsil, Rawalpindi district, recently submitted a memorial to the Government protesting against the *anti-zamindar* policy of tahsildar, Kahuta ;
- (b) if so, what action has been taken on the memorial ;
- (c) whether the Government will lay a copy of the memorial mentioned in (a) on the table ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

1276. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether in the first week of August, 1935, a largely constituted deputation of zamindars of Kahuta tahsil waited upon the Commissioner, Rawalpindi division, and laid their complaints against the tahsildar, Kahuta, before him ;
- (b) whether the zamindars of mountainous *ilaga* in hundreds approached Mr. Parker, Assistant Commissioner, Rawalpindi, who was touring in tahsil Kahuta and made complaints against the tahsildar ;
- (c) if so, what steps have been taken to remove the grievances of the people of the *ilaga* ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

1277. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state whether a large number of military officers recently submitted a petition against the tahsildar of Kahuta, district Rawalpindi, to the Honourable Sir Douglas Young, Chief Justice of the High Court of Judicature at Lahore; if so, whether the attention of the Government has been invited to this signed petition by the High Court authorities?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

MUSLIMS AND JAGRAON MUNICIPALITY.

1278. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Mussalmans of Jagraon in a mass meeting held on 3rd June, 1935, protested against Government for not granting Muslims their due share in Jagraon Municipality and submitted their resolution to the Government through Anjuman Khudam-ul-Islam;
- (b) whether any action was taken by Government on that resolution?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes, the Muslims made a representation that one more elected seat on the committee should be given to them.

(b) The request was rejected as it was found that the Muslims are not entitled to any more seats on the basis of population and voting strength.

MUSLIMS AND JAGRAON MUNICIPALITY.

1279. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether the Muslims of Jagraon recently submitted an application to Government for their adequate representation in Jagraon Municipality;
- (b) whether any action was taken on that representation?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is referred to the reply given to question No. 1278 (above).

EXTERMENT OF RAGHBIR SINGH.

1280. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that one Raghbir Singh, son of Ganda Singh, was externed from Delhi under the Criminal Law Amendment Act on 4th January, 1934;
- (b) whether it is a fact that at the Lahore Railway Station, he was served with another notice not to enter the city but to go to Rawalpindi and not leave the municipal limits;

[Ch. Afzal Haq.]

- (c) whether he prayed that he could not get any job in Rawalpindi and that he might be allowed to live in Lahore or be granted some allowance ;
- (d) whether it is a fact that both the requests were not granted ;
- (e) whether it is a fact that the said Raghbir Singh was not allowed to go to Rawalpindi Cantonment in order to look for a job ;
- (f) whether the said Raghbir Singh disobeyed Government orders and was sentenced to one year's rigorous imprisonment ;
- (g) whether after release he was again interned within the municipal limits of Rawalpindi and still no allowance is given to him ;
- (h) whether the Government is considering the desirability of giving the said Raghbir Singh subsistence allowance ?

The Honourable Mr. D. J. Boyd : (a) He was externed from Delhi on 5th January, 1934.

(b) He was served at Lahore Railway Station, on 6th January, 1934, with an order restricting him to the municipal limits of Rawalpindi and requiring him to proceed there forthwith.

(c) On 15th January, 1934, Raghbir Singh applied for the total removal of restrictions or else the grant of an allowance.

(d) Yes.

(e) Government have no information that he ever applied for permission to enter Rawalpindi Cantonment.

(f) Yes.

(g) Raghbir Singh was released on 11th March, 1935, and was warned that the previous order served on him was still in force. He is not in receipt of an allowance.

(h) No.

COMPLAINTS FROM RESIDENTS OF HAJAN, DAJAL AND NAUSHEHRA.

1281. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether he has recently received petitions from the residents of the villages Hajan, Dajal and Naushehra (tahsil Jampur, district Dera Ghazi Khan) to the effect that they are extremely poor and cannot pay land revenue ;
- (b) whether the residents of these villages have also complained against the treatment of Tumandar of the *ilaga* ;
- (c) what steps, if any, have been taken by the district authorities on their complaints ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) No.

(c) Action is being taken in respect of (a).

PRINTING PRESSES.

1282. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether there is a list of all the printing presses of Lahore that come within the provisions of the Indian Factories Act ;
- (b) when this list was first prepared ; how many times since then it has been revised ;
- (c) why the Government has felt no necessity for revising the said list ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The list was first prepared in 1918, and has since been kept up-to-date from year to year.

(c) Does not arise.

FACTORY INSPECTOR.

1283. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) how many times in the year the Factory Inspector visits the printing presses ;
- (b) how many times he has visited these presses in 1935 ;
- (c) what was his report regarding the working of Factories Act in these presses ?

The Honourable Nawab Muzaffar Khan : (a) At least once a year—Sometimes more often where necessary.

(b) So far 19 presses have been inspected during 1935.

(c) The nature of the report varies in each case.

PRINTING PRESSES.

1284. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether the Lahore Press Workers' Union ever supplied the Chief Inspector of Factories with a list of printing presses of Lahore, which the Union believed ought to be brought under Factories Act ;
- (b) whether on request from the Chief Inspector of Factories the Lahore Press Workers' Union supplied him with further information regarding these presses ;
- (c) whether any enquiries have been made regarding these presses ; if so, at which stage these enquiries are at present and when they are expected to be finished ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

(c) The reply to the first part of the question is in the affirmative. The results of the enquiries which have been completed up-to-date show that the presses concerned are not sufficiently big to warrant their registration under the Factories Act.

DEMANDS OF PRESS WORKERS.

1285. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

(a) whether the attention of Government has been drawn to notes regarding the demands of press workers appearing in the issues of the *Daily Vir Bharat*, dated the 30th September and 11th October, 1935 ;

(b) whether the Government is prepared to take any action regarding the same ;

(c) if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) These notes have now been seen.

(b) Where the Factories Act applies Government will see that its provisions are observed. Government are not prepared to seek powers, which they do not at present possess, to regulate the wages of press workers.

(c) Does not arise.

THE BAL BHARAT SABHA.

1286. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that the Bal Bharat Sabha was declared unlawful on the 10th February, 1932, along with various other associations ;

(b) whether it is a fact that the Bal Bharat Sabha was not announced to be lawful when all other unlawful societies were declared lawful ;

(c) if so, the reasons why it was not declared lawful when all the other associations were announced to be lawful ?

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

(b) The answer to the first part is yes, but it is incorrect to say that " all other unlawful assemblies were declared lawful."

(c) The notification proclaiming the Bal Bharat Sabha to be an unlawful association has not been withdrawn as the activities of the Sabha constitute a danger to the peace of the province.

LEASE OF BELDARI FOREST AT PIROWAL TO LALA HARI CHAND.

1287. Chaudhri Afzal Haq : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that a temporary five years' lease of beldari forest land at Pirowal in the Multan Forest division has been given to one Lala Hari Chand privately without any tenders being invited ;
- (b) if so, whether a copy of the lease given to him will be placed on the table of the Council ;
- (c) what the provisions of condition No. 6 of the lease were, and whether it is a fact that the said term exempts the lessor from the payment of land revenue, *abiana* and forest dues on cultivating '*guara*' as manure crop ;
- (d) whether it is a fact that the said lessee has contravened the provisions of condition No. 6 of the lease by not cultivating '*guara*' in one-third of the land leased ; if not, what is the area in which he has cultivated '*guara*' and what is the area in which he was required to do so by the term of the lease ;
- (e) whether it is a fact that one Gurdial brought it to the notice of the Forest, Canal and Revenue authorities that Lala Hari Chand was contravening the conditions of the lease, and also against the provisions of the lease using the '*guara*' for purpose of fodder and for letting cattle to feed upon the '*guara*' crop ;
- (f) the reports of the various officers of the Forest Department who made investigations ;
- (g) the report made by the Canal authorities upon Gurdial's complaint ;
- (h) whether in view of the reports Hari Chand is still entitled to remission of land revenue and *abiana* for the '*guara*' crop ;
- (i) what action is being taken against him for his contravention of the terms of the lease and whether he is being allowed to retain his lease ;
- (j) whether it is a fact that the Divisional Forest Officer was in camp at Pirowal on 20th August, 1935, and whether he submitted any report on the matter as a result of the inspection ; if so, what was his report ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) A copy of the lease deed is placed on the table.

(c) The provisions of clause VI of the lease deed are :—

"That the land is leased for the purposes of improvement by cultivation of *guara* crop and for temporary cultivation and may not be used in whole or in part for any other purposes. *Guara* will be sown over at least one-third of the cultural commanded area every year and in such a way that every part of the leased area is sown with *guara* at least once in five years. *Guara* will be ploughed in the soil according to the rules and procedure of the Irrigation Department on the Lower Bari Doab Canal."

[Hon. Nawab Muzaffar Khan.]

There is nothing in this clause which exempts the lessee from the payment of land revenue, *abiana* and forest dues on the cultivation of *guara*, but the Irrigation Department do not assess either land revenue or *abiana* on crops ploughed in the soil before the *girdauri* takes place. Accordingly, clause XI (iii) of the lease deed provides that "no *malikana* or land rent will be payable for such areas as are brought under *guara* and for which Irrigation Department does not assess any *abiana*."

(d) The lessee was given possession late when time for the sowing of *guara* had almost expired. He could not, therefore, comply with clause VI of the lease deed in *kharif* 1935 but he cultivated 189·36 acres with *guara* against 375 acres required under the instrument of lease.

(e) Yes.

(f) The complaint was forwarded to the Irrigation Department so that assessment of *guara* might be made according to rules.

(g) Allegations were found to be untrue.

(h) Yes, on the crop ploughed in the soil.

(i) Action, if necessary, will be taken on the receipt of *khataunis* from the Irrigation Department.

(j) No.

Copy of the Lease Deed.

Articles of agreement made this sixteenth day of May 1935 (one thousand nine hundred and thirty-five) between the Secretary of State for India in Council (hereinafter on behalf of himself, his successors and assigns called "the Secretary of State") of the one part and Lala Hari Chand, son of Lala Jinda Ram, caste Arora, of Multan Cantonment (hereinafter on behalf of himself, his heirs, successors and assigns called "the lessee" of the other part.

Whereas the lessee has undertaken to provide one hundred able bodied men daily to work as labourers in the Khanewal Plantation and to improve the Chak 6-a, beldari land, Chak Pirawala Compound land and Bahadurgarh beldari land by cultivation of *guara* crop the Secretary of State has agreed, subject to the terms and conditions hereinafter mentioned to lease to the lessee for temporary cultivation 1,123 acres of land (more or less and fully described on the plans hereto annexed) referred to above, being part of Khanewal Reserved Forest situated in the Multan Forest division in the Punjab and lying within the jurisdiction of Conservator of Forests, for the time being in charge of the Western Circle, Punjab (hereinafter called "the Conservator").

NOW THIS AGREEMENT WITNESSETH.

I.—That all words used in this agreement which are defined in the Indian Forest Act XVI of 1927, shall have the meanings respectively assigned to them in that Act.

II.—That this agreement is for a term of 5 years from the first day of March 1935 (one thousand nine hundred and thirty-five) and ending on the last day of February 1940 (one thousand nine hundred and forty), except for the *rabi* crop of 1939 which the lessee may have sown in a portion of Pirawala Compound land, as provided in this agreement, which crop the lessee shall be entitled to harvest by the end of May 1940 (one thousand nine hundred and forty).

III.—That the total area covered by this agreement is believed and shall be taken to be correctly described as to extent and position, but should any error, mis-statement or omission be discovered in respect of such description the same shall not annul this agreement provided that the dues payable by the lessee shall be adjusted if necessary with reference to the acreage of land leased to him over and above the 1,123 acres mentioned in clause X as finally ascertained.

IV.—That the Divisional Forest Officer for the time being in charge of the Multan Forest division (hereinafter called the Forest Officer) shall hand over to the lessee as soon as the agreement has been signed for temporary cultivation during the period of this agreement within the terms and conditions hereinafter appearing the whole of the culturable commanded area of the beldari land and the unsown portions of the Pirawala Compound land in the Khanewal Plantation, that portion of the Pirawala Compound land which is under *rabi* crop of 1934-35.

shall be handed over on 1st June, 1935 (one thousand nine hundred and thirty-five) after the harvesting of the crop; less the land occupied by the forest buildings, compounds, nurseries, water-courses, roads and depôts and any land required by the Forest or Irrigation Departments from time to time for the construction of irrigation water channels or for any other purpose.

V.—That in consideration of the payment of land rent, occupier's rate and malikana as provided in clauses X and XI of this agreement the lessee shall be entitled to cultivate the whole of the area actually handed over to him under the terms of clause IV of this agreement for the period commencing first day of March 1935 (one thousand nine hundred and thirty-five) and ending with the last day of February 1940 (one thousand nine hundred and forty) and last day of May 1940 (one thousand, nine hundred and forty) provided that the lessee shall use the beldari land areas for *kharif* crops and the Pirawala Compound land half for *rabi* and half for *kharif*, such halves to be in compact blocks, and shall hand back the area sown with *kharif* not later than the 29th day of February 1940 (one thousand, nine hundred and forty) and for *rabi* not later than 31st May 1940 (one thousand, nine hundred and forty) together with any crops not harvested on the said dates and the Forest Officer shall have full powers to use the areas as he thinks fit.

VI.—That the land is leased for the purposes of improvement by cultivation of guara crop and for temporary cultivation and may not be used in whole or in part for any other purpose. Guara will be sown over at least one-third of the cultural commanded area every year and in such a way that every part of the leased area is sown with guara at least once in five years. Guara will be ploughed in the soil according to the rules and procedure of the Irrigation Department on the Lower Bari Doab Canal.

VII.—That the lessee shall not be entitled to any compensation or remuneration in respect of any expenses incurred by him on clearing, levelling and any improvement which may be affected by him to the land leased out.

VIII.—That time is the essence of this agreement and the lessee shall not be permitted to cultivate any land which cannot be harvested before the 29th day of February 1940 (one thousand nine hundred and forty) for *kharif* and 31st May 1940 (one thousand, nine hundred and forty) for *rabi* as provided in clause V above, the dates on which he shall surrender possession of the land together with such crops as may remain standing thereon.

IX.—That water will be given for sowing the crops from the Forest Distributory for the beldari land and Pirawala Compound main from Khanewal minor for the Pirawala Compound land, the former on a basis of one cusec per hundred acres sown and for the latter proportionately to the whole area of the Pirawala Compound provided that it shall in no case exceed 6 days during *kharif* and 3½ days during *rabi*.

The Pirawala main shall be kept up thoroughly repaired and free from breaches and weak banks by the lessee during the period he is obtaining his proportionate supply. The Secretary of State gives no guarantee against supply or stoppage or shortage of water and accepts no responsibility for damage to crop due to non-receipt of water at any time. The supply of water and its regulation will be subject to the rules and regulations framed under the Canal Act VIII of 1873.

The time for proportionate distribution of water from the Pirawala main shall be determined by the Forest Officer and the lessee shall have no complaint against such orders. The lessee shall not object to the Forest Department irrigating the roadside trees whenever required from the water running in the mains of the beldari land and also to water taken for the nurseries and compounds.

X.—That the area irrigated shall be assessed at the schedule of occupier's rate applicable to the other channels on the Lower Bari Doab Canal. The lessee shall pay occupier's rate (*abiana*) direct to the Irrigation Department on presentation to him of the demand statement by the Forest Officer, within one week of such presentation and shall intimate the fact of his having done so in writing to the Forest Officer for his information.

XI.—That in consideration of the lessee being permitted to cultivate the area as defined in clause IV read with clause III above, the lessee shall pay to the Forest Officer the following sums of rent generally known as—

(i) Malikana at the rate of Rs. 5 (rupees five only) per acre per year for whole of the gross area leased, i.e., 1,123 acres as given in clauses III and IV. On no account shall the lessee be entitled to any remission of Malikana on account of failed crops or any other cause whatsoever.

(ii) Land rent at the rate of Rs. 2 (rupees two only) per acre matured with any crop whatsoever.

(iii) No malikana or land rent will be payable for such areas as are brought under guara and for which Irrigation Department does not assess any *abiana*.

XII.—That the payment of all dues under clause XI shall be made by the lessee within one week of the despatch of the bill by the Forest Officer.

[Hon. Nawab Muzaffar Khan.]

XIII.—That without prejudice to any other rights reserved to the Secretary of State he may recover from the lessee any arrears of moneys due under this agreement in the manner in which arrears of land revenue are recovered.

XIV. That the lessee shall provide the Forest Officer sixty able-bodied labourers every day for work in Khanewal Plantation at the time and place required by the Forest Officer or his duly authorised assistant in this behalf. The lessee further undertakes to increase this number to one hundred whenever called upon to do so by the Forest Officer; but whenever more than sixty coolies are required a week's notice will be given to the lessee. Secretary of State does not in any way guarantee to employ any or all labourers. No compensation whatever for any loss or inconvenience experienced by the lessee for the arrangement of this labour will be paid. The labourer employed will be paid at the rate and according to the practice current in the Khanewal Plantation of which (i.e. the rate and practice) the Forest Officer will be the sole and final judge and his decision will be final and legally binding on the lessee.

XV. That the Secretary of State does not grant to the lessee, but hereby expressly accepts and reserves to himself all rights to in or over mines and minerals, coal, gold, gold washing, earth-oil, quarries, in under or upon and also all streams, water-courses and public thoroughfares referred to in this agreement or any part thereof.

XVI.—That notwithstanding anything contained in this agreement the officials of the Forest Department shall have full powers to enter upon the land referred to in this agreement and to do all acts and things which may be necessary or experienced to carry out for the terms of this agreement or to fulfil the duties under the Indian Forest Act XVI of 1927 or any rule made thereunder or to secure the full enjoyment of the rights reserved under clause XV.

XVII.—That no buildings of any kind shall be erected by the lessee within the limits of the beldari and Pirawala land leased out to him without the permission in writing of the Forest Officer who shall have full power to refuse such permission or to modify the building plans submitted by the lessee.

The lessee shall, if required by the Forest Officer, remove all or any of the building which may have been erected before the expiry of this agreement and the lessee shall have no claim to compensation on account of any action taken by the Forest Officer under this clause.

XVIII.—That in the event of a fire occurring in any part of the Khanewal Plantation the lessee, his employees and tenants shall render all possible assistance whether called upon to do so or not, in putting out the fire as well as in tracing out any person who may set fire to the said plantation himself or aid or abet any person in setting fire to it.

XIX.—That the main water-courses for the Pirawala Compound as referred to in clause IX above, and the mains for the Beldari lands have been constructed at the expense of the Secretary of State, while the other subsidiary water-courses for irrigating the areas under cultivation will be constructed by the lessee at his own cost. No water-courses shall be constructed by the lessee except with the approval of the Forest Officer. The lessee shall also construct culverts at his own cost in accordance with the plans supplied by the Forest Officer at places where the irrigation channels cross the main roads and shall hand over all such culverts free of all charge to the Secretary of State on the expiry of this agreement. The Forest Officer shall have the right to repair any irrigation channels at the expense of the lessee if neglected or damaged by the lessee, or by his servants or agents. The Irrigation Department will have the right to construct or cause to be constructed any new water-courses or to alter the direction of the existing water-courses and the lessee shall be entitled to no compensation by reason of such action except for compensation for damage to standing crop in which case the decision of the Collector of the district shall be taken as final. All the subsidiary water-courses dug by the lessee shall be transferred free of charge to the Secretary of State and the lessee shall have no claim to compensation for said water-courses on the expiry of the lease on account of cost incurred on their construction or maintenance.

XX.—That the lessee undertakes to relinquish possession of any plot or plots of land required by the Forest Officer for the construction of buildings, or any other use out of the area held by the lessee provided that payments under clause XI shall not apply to such plots.

XXI.—That in the event of the lessee failing to abide by the provisions of clauses VI and XIV or and of any other clause or and making default in the payment of any sum or sums of money due from him under this agreement, the Conservator shall, without prejudice to any remedies he may have, have the power to confiscate the security (deposited in accordance with clause XXII) in part or a whole and to terminate the agreement. In the event of the security being confiscated in part or in whole, the lessee shall be bound within 10 days of receiving a written notice from the Conservator calling upon him to do so to make up the security to the amount at which it stood previous to such sum or sums being recovered from it. Such recoveries may at the discretion of the Conservator include any extra charges for the dues on account of delayed payment and other expenses incurred by the Forest Department.

XXII.—That the lessee has deposited with the Secretary of State as security in Government Promissory Note 3½ per cent. for the due fulfilment of the terms of this agreement of Rs. 10,000 (Rupees ten thousand only).

XXIII.—That the lessee shall not assign, sublet or make over the said land or any part thereof to any other person except with the special permission of the Conservator in writing.

XXIV.—That the lessee before taking over the land leased to him shall submit a detailed list of the names and parentage, etc., of his tenants or agents that may work under him together with a list of all animals kept by each of them.

XXV.—That in the event of any dispute arising between the parties as to the meanings or construction of any word or term used in this agreement such dispute shall be referred to the Commissioner for the time being in charge of the Multan Civil division whose decision shall be final.

XXVI.—That this agreement is for the performance of acts in which the public is interested within the meanings of Section 74 of the Indian Contract Act, 1872.

XXVII.—That the cost of stamps for registration of this agreement should such be required shall be borne by the lessee.

XXVIII.—That this agreement shall remain in force only as long as the lessee displays active loyalty to the British Government. The decision of the Local Government whether this condition has been violated shall be final.

In witness whereof the parties to this agreement have hereunto set and subscribed their hands and signatures on the dates hereinafter mentioned respectively.

Signed and delivered by Lala Hari Chand, son of Lala Jinda Ram, of Multan Cantonment, on this 7th day of March, 1935 (one thousand, nine hundred and thirty-five).

(Sd.) HARI CHAND,
son of LALA JINDA RAM,
Contractor, Multan Cantonment.]
7-3-35.

In the presence of—

Witness No. 1 with address—

Lala Harcharan Dass, son of Lala Ganeshi Lall, caste Ahluwalia, Multan Cantonment.

(Sd.) HARCHARAN DASS,
son of LALA GANESHI LALL,
Multan Cantonment.
7-3-35.

Witness No. 2 with address—

Lala Chiranjee Lall, son of Lala Ganeshi Lall, caste Ahluwalia, Multan Cantonment.

(Sd.) CHIRANJEE E LALL,
son of Lala GANESHI LALL,
Multan Cantonment.
7-3-35.

Signed, sealed and delivered by the Conservator of Forests, Western Circle, Punjab, on this 16th day of May, 1935 (one thousand, nine hundred and thirty-five) on behalf of the Secretary of State for India in Council and acting under the orders of the Governor of the Punjab in Council.

(Sd.) J. H. LYALL,
Conservator of Forests,
Western Circle, Punjab.

1288—1292. Cancelled.

AUDIT OF CENTRAL CO-OPERATIVE BANKS.

1293. Professor W. Roberts: Will the Honourable Minister for Agriculture please state—

- (a) the charge made for audit of central co-operative banks when the system was first inaugurated;
- (b) what changes have been made in recent years with dates;
- (c) what are the latest proposed charges and what percentage of central banks have accepted them?

The Honourable Sardar Sir Jogendra Singh : (a) The charge made on Co-operative Societies (not only on Central Co-operative banks) for the expenses of audit, supervision, and propaganda, was originally 5 per cent. on the annual net profits.

(b) In 1919, this charge was raised to 7½ per cent., and in 1929 to 10 per cent.

(c) There is no proposal to raise this charge. The Punjab Co-operative Union has asked Central Banks to make temporary contributions to relieve its present difficulties, but this is entirely on a voluntary basis. Replies of all Central banks to this request have not yet been received.

PRESIDING OFFICERS IN APPELLATE COURTS, GURDASPUR.

1294. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that all the local appellate courts at Gurdaspur are presided over by non-Muslim officers ;
- (b) whether it is a fact that this was brought to the notice of the authorities in August, 1935 ;
- (c) if the reply to (a) and (b) be in the affirmative, what steps have been taken by the Government to remove the grievances of the Muslim public of Gurdaspur ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) and (c) Government have seen several posters stated to have been published by the Muslims of Gurdaspur. Some of these state that Muslims are dissatisfied with the appellate courts at Gurdaspur and others that they are satisfied. In the circumstances Government have taken no action.

SUB-JUDGES, GURDASPUR.

1295. Chaudhri Afzal Haq : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that both the sub-judges at the head-quarters, Gurdaspur district, as well as the senior sub-judges, are non-Muslims ;
- (b) whether the authorities are aware that the Muslim public have a grievance against those officers ;
- (c) if reply to (a) and (b) above be in the affirmative, whether Government intends to take steps to remove those grievances as soon as possible ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) No.

(c) Does not arise.

MONOPOLY OF MOTOR VEHICLES ON ARTERIAL ROADS.

1296. **Chaudhri Afzal Haq** : Will the Honourable Revenue Member be pleased to state—

- (a) whether the Government issued a letter No. 22400 (Home—Genl.) dated the 18th June, 1935, to all the Commissioners restricting the monopoly of motor vehicles on arterial roads ;
- (b) whether it is a fact that such monopoly exists in Kangra and Hoshiarpur districts ;
- (c) whether the Government has decided to cancel all the monopolies that exist in the province, if so, why the monopoly in Hoshiarpur and Kangra districts has not been so far cancelled ?

The Honourable Nawab Muzaffar Khan : (a) The instructions in the letter to which the honourable member refers related to monopolies of motor vehicle traffic on roads in the plains. They were not intended to affect the powers of district magistrates and registering authorities under rules 89 and 98 of the Punjab Motor Vehicles Rules, 1931, to control the traffic on hill roads, which are in a separate category.

(b) It is understood that monopolies exist on certain hill roads in the Hoshiarpur and Kangra districts.

(c) No.

PAPERS LAID ON THE TABLE.

ACTION TAKEN AGAINST CORRUPT OFFICIALS.

Secretary : Statement showing the action taken against corrupt officials in the Punjab for the year ended the 31st March, 1935, is laid on the table.

Statement showing the action taken against corrupt officials in the Punjab for the year ending the 31st March 1935.

Head of Department or Office.	Number and designation of officer punished.	Nature of punishment awarded.	Offence.
1	2	3	4
Chief Engineer, Public Works Department, Irrigation Branch.	<p>One Patwari ..</p> <p>One Overseer ..</p> <p>One Patwari ..</p> <p>One Patwari ..</p> <p>One Patwari ..</p> <p>One Gauge Reader</p>	<p>Dismissed ..</p> <p>The man is under suspension and the case under investigation.</p> <p>Case is still under inquiry by the Police ..</p> <p>Dismissed from 25th December 1932. Later sentenced to 3 years' imprisonment and a fine of Rs. 3,000 by the High Court, Lahore.</p> <p>Dismissed ..</p> <p>Dismissed and debarred from employment</p>	<p>Tampering with Khazra entries resulting in loss to Government.</p> <p>Making false measurements.</p> <p>Defrauding Government by tampering, etc., with Khazras.</p> <p>Omitting to carry over from the Khazras into Form No. 3 and Khataunis an area of 538.1 acres from 201 pages of various Khazras involving a fraud of Rs. 4,938-7-9 continuously for four crops of village Garh and three crops of Chak No. 620.</p> <p>Recording false certificate of check on Khataunis continuously during the four crops of village Garh and three crops of Chak 620, thus causing loss to Government of Rs. 4,938-7-9.</p> <p>Tampered with outlets on receipt of illegal gratification from zamindars.</p>

<i>Chief Conservator of Forests, Punjab.</i>	Depot West Forest Division ..	One Forest Guard ..	Dismissed ..	..	..	Illicitly branding green phulai trees with scale hammer mark.
	Rawalpindi East Forest Division	One Forest Guard ..	Dismissed ..	..	..	Accepting illegal gratification.
<i>Inspector-General of Prisons, Punjab.</i>	Central Jail, Lahore ..	One Warder ..	Dismissed ..	..	..	Removing unauthorised articles from inside the jail.
	Central Jail, Montgomery ..	One Warder ..	Dismissed ..	..	..	Introducing tobacco inside the jail.
		One Warder ..	Dismissed ..	..	..	Supplying prohibited articles to a prisoner.
		One Warder ..	Dismissed ..	..	..	Introducing cigarettes inside the jail.
	District Jail, Multan ..	One Warder ..	Dismissed ..	..	..	Accepting money from the relatives of a prisoner.
		One Warder ..	Removed from service ..	..	..	Introducing prohibited articles inside the jail.
	District Jail, Dera Ghazi Khan ..	Two Warders ..	Dismissed ..	..	..	Accepting money from the relatives of a prisoner.
	Sub-Jail, Sheikhpura ..	One Warder ..	Dismissed ..	..	..	Introducing opium inside the jail.
	District Jail, Delhi ..	One Warder ..	Removed from service ..	..	..	Introducing opium in side the jail.
		One Warder ..	Dismissed ..	..	..	Supplying prohibited articles to prisoners.
	One Warder ..	Suspended from 23rd May 1934 to 3rd June 1934. Subsistence allowance granted at $\frac{1}{2}$ of pay for the period passed under suspension. This period will not count towards pension and service.	..	..	..	Attempting to take outside the jail a chit written by an undertrial prisoner to his friend for certain prohibited articles.

Statement showing the action taken against corrupt officials in the Punjab for the year ending the 31st March 1935—contd.

Head of Department or Office	Number and designation of officer punished.	Nature of punishment awarded.	Offence.
1	2	3	4
<i>Inspector-General of Police, Punjab.</i>			
Superintendent of Police, Hissar	One Foot Constable	Dismissed	For extorting a bribe when required to verify the character of a private servant.
Superintendent of Police, Karnal	One Head Constable	Dismissed	For destroying evidence of a successful Exercise raid and failing to register a case.
Ditto	One Foot Constable	Dismissed	For endeavouring to extort a bribe from a villager by preventing him from taking a corpse to the cremation ground.
Superintendent of Police, Julundur.	One Sub-Inspector	Dismissed	For wrongfully confining a person with a view to extorting a bribe.
Senior Superintendent of Police, Lahore.	One Foot Constable	Seven years' approved service permanently forfeited.	For extorting a bribe from a woman while on duty.
Ditto	One Head Constable	Dismissed	NOTE.—The award of punishment less than dismissal was due, to the fact that the man had over 20 years' service in the Army and Police and a clean record.
Ditto	One European Inspector.	Dismissed	For taking a bribe of Rs. 40 to release certain suspects in a burglary case.
Ditto	One European Inspector.	Dismissed	For receiving 3 payments of Rs. 15 each from a lorry owner as an insurance against prosecution.

Ditto	ditto	..	One Foot Constable	Dismissed	..	..	..	For extorting a bribe of Re. 0-8-0 from a student by threatening to prosecute him for disobeying a traffic signal.
Ditto	ditto	..	One Head Constable	Dismissed	..	..	..	For having accepted bribes from certain lorry owners.
Ditto	ditto	..	One Head Constable	Four years' approved service forfeited with permanent effect.	..	..	..	For having assisted a head constable to collect money from certain lorry drivers at Lahore.
Ditto	ditto	..	One Head Constable	Dismissed	..	..	..	NOTE.—A lesser punishment than dismissal was awarded because the man was merely a tool and because he made a valuable statement against other offenders.
Ditto	ditto	..	One Head Constable	Dismissed	..	..	..	For extorting Re. 55 from a suspect in a theft case.
Ditto	ditto	..	One Assistant Sub-Inspector.	Dismissed	..	..	..	For accepting a bribe from two persons in a murder case.
Ditto	ditto	..	One Foot Constable	Dismissed	..	..	..	For committing sodomy with a boy while on duty in uniform and extorting Re. 1 from him.
Ditto	ditto	..	One Foot Constable	Dismissed	..	..	..	For extorting a bribe from a lorry driver while on duty.
Superintendent of Police, Amritsar.		..	One Foot Constable	Dismissed	..	..	..	For obtaining liquor either by extortion or as a bribe from persons who came to interview the Assistant Superintendent of Police.
Ditto	ditto	..	One Foot Constable	Dismissed	..	..	..	For extorting Rs. 4 from a student of the Medical School by threatening him with prosecution under the Municipal Act.
Superintendent of Police, Montgomery.		..	One Foot Constable	Dismissed	..	..	..	For extorting a bribe from a person illegally arrested.
Superintendent of Police, Lyallpur.		..	One Foot Constable	Dismissed	..	..	..	For extorting a bribe.

Statement showing the action taken against corrupt officials in the Punjab for the year ending the 31st March 1935—contd.

Head of Department or Office.	Number and designation of officer punished.	Nature of punishment awarded.	Offence.
1	2	3	4
<i>Inspector-General of Police, Punjab—conold.</i>			
Superintendent of Police, Multan	Two Constables ..	One dismissed and one reduced from the selection grade to the time scale.	Accepting a bribe as an inducement not to report the presence of certain Odes.
Superintendent of Police, Shahpur.	One Foot Constable	Dismissed	NOTE.—Lesser punishment than dismissal was awarded in the case of the second constable in view of his previous record and of the fact that he eventually reported the presence of the Odes.
Deputy Inspector-General of Police, Punjab, C.I.D.	One Foot Constable	Dismissed	For accepting a bribe.
Assistant Inspector-General, Government Railway Police.	One Head Constable	Reduced to the rank of Foot Constable ..	For accepting a tip contrary to rules.
Ditto ..	One Foot Constable	Reduced to Rs. 18 per mensem for three years.	For arresting a person unlawfully in order to extort a bribe.
			Ditto ditto.
<i>High Court, Punjab.</i>			NOTE.—Lesser punishment than dismissal was awarded as no bribe was actually taken.
Senior Sub-Judge, Ambala ..	One Bailiff ..	Dismissed	For demanding an illegal gratification.
Senior Sub-Judge, Hoshiarpur ..	Two Naib-Nazirs ..	Dismissed	Corruption.
District and Sessions Judge, Ferozepore.	One Vernacular Copyist.	Dismissed	Bribery.
Senior Sub-Judge, Lahore ..	One Ahlmad ..	Dismissed	Illegal gratification.

Senior Sub-Judge, Sialkot	On Naib-Nazir ..	Convicted in one case. Other cases against him are pending.	Missappropriation of Government money and Court-fee stamps.
Ditto	One Process Server	Dismissed ..	Illegal gratification.
District and Sessions Judge, Jhelum.	One Madad Moharrir	Removed from service ..	Corruption, erroneous report in an execution case which resulted in the transfer of a house of a judgment-debtor to the decree-holder when in fact no decree was granted in respect of that house.
Senior Sub-Judge, Lyallpur	One Candidate Process Server.	Name struck off from the list of candidates.	Corruption.
Ditto	One Bailiff ..	Dismissed ..	Corruption.
Senior Sub-Judge, Amritsar	One Execution Bailiff	Enquiry is pending in the Court of the Sub-Judge, Amritsar.	Demanded illegal gratification.
Financial Commissioners, Punjab.			
Ambala	One Field Kanungo	Dismissed ..	Corruption.
	One Patwari Candidate.	Name removed from the list of candidates	Corruption.
	One Exoise Peon ..	Dismissed ..	Extortion.
	One Tahsil Wasil Baqi Nawis.	Dismissed ..	Corruption.
	One Tahsil Wasil Baqi Nawis.	Under suspension ..	Corruption.
	One Patwari ..	Under suspension ..	Corruption.
	One Patwari ..	Dismissed ..	Corruption.
	One Exoise Sub-Inspector.	Dismissed ..	Illegal gratification.
	One candidate Clerk	Sentenced to five years' rigorous imprisonment. Appeal also rejected.	Embezzlement.
	One Patwari ..	Dismissed ..	Corruption.
Rawalpindi	One Naib-Sadar Kanungo.	Suspended in January 1932. Criminal case decided against him. Departmental case is still pending.	Tampering with records.

Statement showing the action taken against corrupt officials in the Punjab for the year ending the 31st March 1935—concl.

Head of Department or Office.	Number and designation of officer punished.	Nature of punishment awarded.	Offence.
1	2	3	4
Financial Commissioners, Punjab—concl. Rawalpindi—concl.	One Patwari .. One Moharrir Copying Agency. One Shah Nawaz, Tahsil.	Suspended. Criminal case has been decided and he has been sentenced to 14 years' rigorous imprisonment under Section 465, Indian Penal Code. Final orders will be passed later. Dismissed Remained under suspension from 25th February 1935 to 6th March 1935 and was granted no pay for this period.	Forging the records. Corruption. Corruption. (A lesser punishment than dismissal was awarded because the charges of corruption could not be proved against him).
Multan	One Tahsildar .. One Patwari .. One Kanungo .. Three Colony Patwaris.	Under suspension Reduced from II to III Grade Under suspension from 22nd December 1934. One dismissed One transferred One fine Ra. 5	Corruption. Corruption. Corruption. Corruption. Corruption. *Illegal gratification.

*NOTE.—A lesser punishment than dismissal was awarded in their cases as the charges of bribery were not established.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY, ADDITIONAL
AND TOKEN GRANTS FOR 1935-36.

POLICE—SHAHIDGANJ DISTURBANCE.

Mr. President : The Council will now resume discussion on the supplementary demand for Police.

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural) : I referred the other day to the officials who were in charge of the situation at the time of the Shahidganj affair, namely the Deputy Commissioner and the City Magistrate as being Sikhs and therefore not creating that sense of confidence in themselves being members of the community with which the Muslim community was at variance. With regard to that I have only this much to add that these officials are still in Lahore and that the Government in order to stop the trouble any further should have sent them elsewhere. Their continuing to remain in Lahore at this very time is creating the difficulties not only for the Government, but also for those who have been externed as a result of the Shahidganj agitation.

Passing on from this fact, the mosque was demolished at 1 A. M. on the 8th, that is on the night between the 7th and the 8th. The winch about which something has been said before was brought into the Shahidganj mosque at 6 P. M. on the 7th from the side of the Landa Bazar in a hand cart. If my recollection is correct, the Chief Secretary said that before retiring on the night of the 7th, he telephoned to the Deputy Commissioner asking him whether the Deputy Commissioner knew anything about the mosque being contemplated to be demolished, and that he was assured by the Deputy Commissioner that although a very excited meeting of the Sikhs was going on, there was no chance of the mosque being demolished. The winch was already in the Shahidganj mosque at the time that the Deputy Commissioner gave that assurance to the Chief Secretary.

Mr. F. H. Puckle : On a point of order, Sir. The honourable member is misquoting me. I never said that the Deputy Commissioner gave me any assurance. I said that he informed me.

Mr. President : Will the honourable member please correct his statement, if it is wrong ?

Chaudhri Asadullah Khan : Before I started on this point, I said, "if my recollection is correct." I now find that my recollection with regard to the word "assured" is not correct. I therefore substitute the word used by the Chief Secretary, that the Deputy Commissioner "informed" the Chief Secretary that the mosque would not be demolished. The winch, as I have already said was in the place at 6 P. M. on the 7th. There can only be two alternatives, (1) that the authorities did not know of the presence of the winch at the place, (2) that they did know of it. I cannot conceive of a third alternative. If the authorities knew that the winch was there, was or was not this communication communicated to the Chief Secretary ? So far as I have been able to understand, this information was not, on that evening, communicated to the Government, that is, to the Chief Secretary. I speak subject to correction when I say that the Chief Secretary while making his speech on the last sitting of the Council said that the Government came to know of this winch some days afterwards. May I

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ask whether the Chief Secretary when he came to know that the winch was there but that the information was not communicated to him, called for an explanation from the Deputy Commissioner? If he did so, I think that that information should have been communicated to the representatives of the people here. If he did not do so, I think, I should be within my province to say that the Government was trying to suppress the same information which was suppressed by the Deputy Commissioner himself when informing the Chief Secretary that there was no apprehension whatever of the mosque being demolished.

The Honourable Mr. D. J. Boyd : I think I ought to explain here that demolition work of other nature, of other buildings was going on inside the same enclosure.

Chaudhri Asadullah Khan : May I submit that these explanations may be made when the Honourable Finance Member will be making his speech in reply? May I request as a member of this honourable House that my speech be not interrupted at short intervals?

Mr. President : No interruptions please.

Chaudhri Asadullah Khan : Thank you, Sir. As I was saying, has the Government asked for an explanation from the official who was responsible for suppressing the information with regard to the winch? If the winch was taken into the place under the very nose of the police and the authorities in charge of the situation, how can Government now say that they did not know? If the winch was taken there and they knew of it, why did they suppress that information? The mosque was demolished and this winch was used as an instrument of demolition. And it is not open to the Government to plead that they were ignorant of this fact. With regard to the other part of this agitation, the procession was formed from the Badshahi mosque on the 19th after the Friday prayer. This procession marched on to Lange Mandi near the municipal water supply tank. The police held up this procession at that place from that afternoon up to the morning of the next day, that is, the 20th. But suddenly on the 20th the police was withdrawn and the crowd was allowed to march up to Delhi Gate. If any efforts had been made to disperse the crowd near that tank in Lange Mandi, the crowd would have found it easy to disperse there rather than at the Delhi Gate, because from that place there are five exits for the crowd, three through the principal gates of the town, the Lohari, the Shah Almi and the Mochi, one backwards towards Hira Mandi and a fifth through a part of Hira Mandi towards the Fort side. Moreover, the crowd had not gathered in as strong numbers on the 19th as on the 20th or on the 21st, because the crowd was considerably reinforced after the evening of the 19th. It would have been far easier for the Government to disperse the crowd on the 19th and at the place at which they had been stopped. On the other hand, the crowd is allowed to proceed to the Delhi Gate. Before the crowd reached the Delhi Gate, there was also another strategic point to stop the crowd and disperse it, that is, at the Chuna Mandi end of the Dabi Bazar. From that place as well there are five or six exits which the crowd could have utilized if adequate steps had been taken to disperse it. I say that the Government should have dispersed the crowd at these two

places not only because the exits for the crowd could have been easily accessible but also because when the crowd is allowed to go nearer the place of their sentiment it would be far more difficult to disperse them there than it would be if the crowd were kept at a respectable distance from that place. Delhi Gate is far nearer to the Shahidganj mosque than the Chama Mandi end of the Dahi Bazar or Lange Mandi. And if adequate steps had been taken to disperse the crowd there, there would have been far less trouble than there was when the crowd was allowed to proceed to Delhi Gate. The crowd proceeded to that gate and there it was blocked with wire entanglements or palisades and a squad was stationed in front of them. On the morning of the 20th firing took place, and in the meantime the crowd had been considerably reinforced from behind. There was only one exit for the crowd to use and that was to defy the squad and disperse either to the Yakki Gate side or the Akbari Gate side. That manœuvre on the part of the crowd would have been taken by the authorities as an attempt to rush through the situation. And therefore what could the crowd do except to wait and be shot down like dumb driven cattle. When the shooting takes place, the natural curiosity of the crowd behind who can not see what is happening in front would give them an occasion to leave their place and try to come as near the front as possible. And that is what actually happened. The crowd from the back of the mob diverges on towards the Yakki Gate and the Akbari Gate side. A barricade is placed near the Kotwali on the Yakki Gate side and the crowd went up and sat on the road just opposite Mian Abdul Aziz's house. There were some military lorries standing on the road opposite the Kotwali and when the police charged the crowd with a *lathi* charge naturally everybody in the crowd thought that they were being dispersed in order to let the military lorries pass. My inference is still more strengthened when just a few moments after the crowd had acted on the advice of the Deputy Commissioner to retreat into the municipal garden opposite Mian Abdul Aziz's house, these military lorries were made to pass on that road. The crowd would naturally think that their having been asked to leave the road open was an effort made on the part of the Government to clear the way for these lorries.

The Honourable Mr. D. J. Boyd : May I ask if the honourable member is speaking about the 20th or the 21st of July?

Chaudhri Asadullah Khan : This is about the 21st of July. I am referring to the events on the morning of the 21st. This *lathi* charge took place on the morning of the 21st. The crowd retreats into the garden opposite Mian Abdul Aziz's house and the squad of police, even in that garden, shoots at the crowd. I am saying it on very reliable authority that one of the magistrates remonstrated with the police that that action was not justified because the Deputy Commissioner by asking the crowd to retreat into the garden had told the crowd or informed it that if they retreated into that garden they would not be further molested. Then, when these lorries pass on, the crowd joins the Circular Road along side the railway embankment and from that road comes on to this very road to which reference has already been made and they stand at a very respectable distance from the barricade erected by the authorities and some of their number take out

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a rope in order to demarcate the place whence the crowd should proceed no further. While this rope is being stretched across the road in front of the crowd the second shooting takes place and one of the young men who was holding the rope also succumbs to one of the shots. After these shooting reports, which was heard at a very long distance some inhabitants of that part of Lahore which is on the other side of the railway embankment (that is, Misri Shah) came on to the embankment to satisfy their natural curiosity as to what was happening. This was not a very large crowd and they did not demonstrate anything in any way which could give apprehensions to the authorities that they were going to do something against the public tranquillity. As they come on to this embankment another shooting takes place and although none of these bullets did any harm, yet the fact remains that shooting was resorted to even against some persons standing on the embankment who could do absolutely no harm to the military or the police stationed opposite Yakki Gate, because it is a fairly long distance from that place. After that twenty to fifty people gathered near the terminal tax post on the junction of the Circular Road and the Yakki Gate side road and another shooting takes place on this crowd. Before I pass on from this, I think it advisable to point out another shortcoming in the management of this affair and that is that every one here knows that the Circular Road is very frequently used for traffic from and to Gujrahwala. Hundreds of lorries pass every day and I would not be exaggerating if I stated that two lorries a minute would be the average of lorries passing on that road. No policeman, head constable or other police official was placed on the junction of this road and the Circular Road in order to caution ordinary traffic not to proceed that way because there was an apprehension that they might become victims of this shooting. This shows an utter disregard of human life and an utter disregard of public safety.

Then, shooting was also resorted to on the Akbari Gate side, but as I have not been able to discover many details about it I do not propose to refer to that. It is now stated that the Government did all that it possibly could to control the situation and that nothing was left undone. I would here invite attention to section 144 of the Criminal Procedure Code which, I submit, was not brought into force in the present situation. Section 144 says :—

“ In cases where, in the opinion of a District Magistrate, Chief Presidency Magistrate, Sub-divisional Magistrate, or of any other Magistrate specially empowered by the Local Government or the Chief Presidency Magistrate or the District Magistrate to act under this section immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.”

This section clearly gives power to the magistrate to give such order in regard to property in the possession of a person or under the management of a person if such magistrate thinks that that order would prevent any

disturbance of the public tranquillity or a riot or an affray. Was there or was there not any case for the District Magistrate of Lahore or any other magistrate empowered under this section who was in charge of the situation to think that if an order under this section is made it is not only likely to prevent but it is bound to prevent the mischief that accrued afterwards. I say that there was ample case for any magistrate to take action under this section but no action was taken and I say that no greater occasion than that of the Shahidganj affair has in my knowledge arisen where this power must have been used and was not used. That is another blunder committed by the Government with regard to this Shahidganj matter.

It is said that this was not a state of martial law. I differ from that statement. This was a state of martial law in all but name. Why I make this statement is because when the crowd was ordered to retreat into the municipal garden and a *lathi* charge was had recourse to, some of the members of that crowd in the hurry left their shoes on the road. The Deputy Commissioner ordered one of the municipal committee sweepers to collect those shoes, bind them in a bundle and throw them into the garden where the public had retreated in order that the owners of those shoes might pick up whatever belonged to them. At this the Brigade Major came up—I believe his name is Brigade Major Beckett—and asked the sweeper to leave the shoes where they were. The Deputy Commissioner was present when this incident took place and while speaking to one of his companions who were standing nearby he said: "Our authority is now at an end." (*An honourable member*: May I know the source of information of the honourable member?) The source of my information is very reliable so far as I am concerned, and I am prepared to take responsibility for the truth of the facts. (*Another honourable member*: I hope it is not hearsay). The Deputy Commissioner spoke to this gentleman standing nearby and said: "our authority is now at an end." If that is not a state of martial law, what is? The Deputy Commissioner who is the highest authority in the district and who is specifically in charge of the situation is there. He orders the sweeper to collect the shoes and throw them where the public can get at them and a responsible military officer comes and tells that man to leave the shoes where they are. That shows that that was a state of martial law; only if the term martial law is not applied to it, it does not mean that that gives any greater right to the Government than if the matter were technically called martial law.

This is a grant to defray, in my opinion, the expenses incurred because of the Shahidganj affair, and I must regret to say that in all civilized countries the law and common sense have admitted that nobody shall be asked to pay twice for the same thing. The Muslims have paid with their blood and their lives. Are they now expected to pay in cash as well? That would be asking us to pay twice over. I regret to have to say that for the last two and a half years the effect on the Government has been rather deteriorating, and as I see that the Muslims have had no redress so far from the Government here, I make bold to address the benign person of His Majesty the King Emperor and cry out on behalf of the Muslims and say, "Give us redress."

With these words I strongly oppose the motion.

Mr. Muhammad Din Malak (Lahore city, Muhammadan, Urban): We must be thankful to the honourable member for Hoshiarpur for giving us the opportunity to express our views on certain aspects of the Shahidganj affair. Much hair-splitting has been done on the one hand to reconcile and on the other to distinguish the oral promise made by the Deputy Commissioner to the Muslim deputation and the press *communiqué* he issued on the 2nd of July, 1935. In my opinion the *communiqué* may be taken to represent the true import of the assurance which the Deputy Commissioner had given to the Muslim community, namely, that the mosque would not be demolished until a settlement had been reached. Now, as regards this promise of the Deputy Commissioner it must be conceded that it had not been faithfully kept up to the 6th of July, when, as we all know the initiative had passed from him to the higher authorities. Before I proceed further I would like to state, that as President of the Lahore Municipal Committee and as a member of this honourable house representing the city of Lahore, I have had frequent opportunities of coming into contact with the Deputy Commissioner and the City Magistrate and I have always found them both to be thorough gentlemen of unquestionable probity. Indeed, I have often suspected in my conversations with the Deputy Commissioner, that behind the official exterior of Mr. Pratab there lurks a vein of real nationalism; and a true nationalist cannot easily abandon himself to ribald communities. It has been said that it had been a mistake to have left the control of the situation in the hands of the Sikh Deputy Commissioner and Sikh City Magistrate. It is, however, remarkable that so long as the situation had been handled by these two gentlemen nothing untoward had come to pass. (*Hear, hear*). It may be due and probably it was due to a feeling amongst the Sikhs themselves that they must beware of doing anything which brought disgrace to these two distinguished members of the community.

On the 6th of July a Muslim deputation had been invited by His Excellency where we had a heart-to-heart talk and discussed the various alternative solutions of the problem. During the course of the conversation His Excellency made it clear that there was little hope of the Sikhs agreeing to the demand of the Muslims, that he was receiving a deputation of the Sikhs also in the afternoon when he would try his best to persuade them to come to an amicable settlement with the Muslims, but that if the Sikhs insisted on sticking to their legal rights it would not be possible for his Government to interfere. On the following day we were again sent for, when His Excellency told us that the attitude of the Sikhs was not very conciliatory, that it was with difficulty that he had extracted a promise from them to the effect that they would not demolish the mosque until after the Gurdwara Parbandhak Committee had given its considered decision and that he only hoped that the Sikhs would keep to their words. Early the next morning or probably some time during the intervening night the Sikhs, however, proceeded to demolish the mosque, and as now we all know, without waiting for the promised considered decision of the Parbandhak Committee.

Some of us considered it permissible to infer from these facts that the mosque had been demolished at the instance and with the help of the Government. Everybody has a right to draw his own inferences from a given set of facts. My own honest conviction is that neither

the Government had given any help nor had it prompted the Sikhs to demolish the mosque. (*Hear, hear*). The fact of the matter would appear to be that over-estimating their influence the Government had set out to attain the unattainable. On the one hand there were Sikhs who fortified by the decision of the highest tribunal in the province in their favour were adamant in their attitude. On the other there were the Muslims who refused to recognize any legal rights which, according to them, unduly and unjustifiably interfered with their religious institutions. The result was that Government failed, but it must be admitted that their failure was an honourable failure. It may also be added that in the *communiqué* they had issued after the demolition of the mosque the Government while admitting the Sikhs' legal rights had held them to have been morally in the wrong by precipitating the crisis. It is evident that the Government could not have reproached the Sikhs in this manner, if they had been in league with the Sikhs, no would the Sikhs have allowed to go this part of the *communiqué* unchallenged. (*Hear, hear*). There is one point, however, which lends some colour, some force to the rumour that the Government had colluded with the Sikhs in the matter of the demolition of the mosque. It has been admitted on all hands now that a crane or a winch had been used by the Sikhs in the demolition of the mosque and a large number of people suspect that this crane or winch had been requisitioned from or supplied by a department of the Government. It is a pity that so far the Government has not seen it fit to make an enquiry into the matter. It would be to the interest of all concerned that an independent enquiry was forthwith ordered into the matter of this mysterious winch.

It must be acknowledged that the Government have made two definite gestures to mollify the Muslim feelings. They have promised to hand over to the Muslims by about the beginning of the next year the mosque and its adjacent courtyard at present occupied by the Sessions Court. They have also promised to give facilities for the passage of a Bill for the protection of Muslim graveyards. An application in this connection had been made by me and the Governor General has since accorded his sanction to the introduction of the Bill on the subject. It will be introduced during the next session. The Muslim community appreciates Government's solicitude for its feelings as evidenced in these gestures. But what they cannot understand is as to why the Government has not taken any action so far to grant compensation to the injured and to the survivors of those who were killed in the Shahidganj affair. It can not appreciate as to why the Government are delaying the release of the internees, the release of those convicted in connection with the Shahidganj agitation, the refund of the security money already recovered from some of the Muslim papers, or the cancellation of security orders in the case of some others. The other day in reply to a question by my friend, Pir Akbar Ali, the Honourable Finance Member assured us that the Government contemplated taking action in this direction as soon as it was satisfied that normal conditions have returned. I do not think that the present conditions are abnormal in any way. If the Government suspects that the release of the internees or the rehabilitation of certain Muslim newspapers will again render the conditions abnormal, the Government also can again call to their help the Criminal Law Amendment Act. If you want to give anything, you must give it gracefully. Almost the

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entire charm and half the value of the promised concessions have gone by the board. I would strongly advise the Government to discard this halting hesitating attitude, and forthwith give effect to the promised concession. I will conclude by saying that it will be to the interest not only of the Muslims but of all concerned that the cases instituted by the Muslims should be disposed of with due despatch. I suggest in this connection that a special District Judge, preferably an I. C. S. may be deputed for the purposes as early as possible.

Mr. J. D. Anderson (Legal Remembrancer): One issue before the House, an important issue, is not so much the behaviour of the subordinate officers while the disturbances were actually in progress in Lahore as the legal position which confronted the Government early in July last. A very strong criticism was made against Government both on Monday and to-day and to appreciate the justice or injustice of it, it is necessary to consider what the legal position was with which the Government was confronted. Normally it would, I think, be my duty both to the House and to the Government to try to explain what that position was. I want the House to realize that there is a very great difficulty in the way of my doing it. There are, however, certain remarks which I would like to make. I am rather surprised that more weight has not been given by my honourable friends on the opposite benches to an incident which happened at Lahore a few days ago, an event which I myself regard as the most important event which happened since July last. I maintain that it is certainly the most hopeful of all the events which have happened since July. I refer to the filing or the institution of a civil suit to determine the status of the building which is the immediate cause of this dispute. I was overjoyed myself when I heard of the institution of the suit. I congratulate most heartily those who are responsible for instituting the suit. I think they deserve well not only of their community but of the province as a whole. I do earnestly appeal to the House, to the representatives of the people of the Punjab and through them to the people of the Punjab themselves that they will establish and maintain that atmosphere of peace and good will without which no appointment of special judges is going to enable the court to adjudicate in that calm, disinterested atmosphere which is needed ultimately to reach that just and final decision which we all hope for.

Though I am delighted at the institution of this suit it makes it difficult for me as Legal Remembrancer to try to go into a full discussion of what the legal situation was in July. Standing Order 30 of the House runs as follows:

"A member while speaking shall not refer to any matter of fact on which a judicial decision is pending."

The honourable member for Sialkot blamed the Government for not making use of the powers of the district magistrate or other magistrate under section 144 of the Criminal Procedure Code. For me to answer those criticisms I should have to go into what I regard as the facts about the building in the Shahidganj Gurdwara. Again and again all the High Courts of India have held that the use of section 144 must be judicial. Before answering whether the Government could or could not have employed section 144 I should have to consider the effect of the judgment of the Sikh

Gurdwara Tribunal. That is a matter which is bound to come before the District Judge of Lahore and I think it will be improper for me to attempt to say anything on that point. But I do ask the House to realize that before they consider whether Government could or could not use certain powers under the law there are three factors which must be taken into consideration. One of the factors, that is the facts, is I believe well known. The second is the statute law of the province and the third is the judicial decision. I do not think that any one can form a proper opinion of what Government should or should not have done in July without weighing those things very carefully indeed. I can not say anything more than that. I should be breaking the rules of debate if I did. I have mentioned section 144. There is also section 295 of the Indian Penal Code. The answer is exactly the same. I cannot give any exposition to the House of what I regard to be the proper use of that section in a certain set of facts without discussing those facts and that I cannot do. I made certain notes about the various matters which I should have liked to put before the House. But frankly if that would mean my trying to give any statement about law here, I would prefer not to mention them. I only implore honourable members to exercise the same restraint which I have tried to show myself and beg them to take all those factors into consideration before blaming the Government. It is no good reading the bare law. You have got to apply that law to the facts and you have got to take into account also the previous decisions of the courts.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban): I was unavoidably absent on Monday last and have not had therefore the advantage and the privilege of listening to the debate initiated by Chaudhri Afzal Haq. We on these benches have so far refrained from making any reference to the Shahidganj affair lest the tension that exists now might increase. But unfortunately the ball has been set rolling and we can not allow certain statements go unchallenged. Chaudhri Afzal Haq who is a luminary of the Ahrar Party was the last person to be expected to rake up bad feelings on the floor of this House. The Ahrar Party has, as we all know, won universal admiration for the statement they issued on July 28 on this affair. I may be pardoned if I quote one or two sentences from that statement. It is said in that statement:

“After continuous deliberations extending over several weeks Majlis-i-Ahrar has come to the conclusion that the more the sacrifices the Muslims make the more they will be throwing themselves into deeper and deeper waters and when after the most important sacrifices the community encounters defeat the measures of disgrace will be so horrible that for 50 years the community will not be able to take part in any movement for the promotion of any Muslim cause.”

Further on they say:—

“In our view it would be the height of bravery for the Muslim community to retrace the wrong step.”

I can not understand the change in the mentality and attitude of my honourable friend now.

Chaudhri Afzal Haq: I want to enquire whether the honourable member has heard my speech or whether he has read it.

Sardar Sahib Sardar Ujjal Singh: I stated at the very outset that I have not had that privilege of hearing him, but I read his speech in the papers.

(On Chaudhri Afzal Haq rising in his seat.)

Mr. President : Order, order.

Chaudhri Afzal Haq : On a point of order, Sir.

Mr. President : The honourable member tried to raise a point of order before but he did not raise any.

Chaudhri Afzal Haq : Without reading the speech no member can base his opinion on it.

Sardar Sahib Sardar Ujjal Singh : I was going to say that the member has raised a debate on this matter with a vengeance. Several charges have been laid at the door of the Government. I am really amused to find that such charges should have emanated from the Muslim community. It is a matter of common knowledge that the Government has been over-anxious to placate the Muslims. The Government did their best not to lose the sympathy of the Muslim community in this matter. They tried to bring about compromise, but unfortunately could not succeed. They tried to explore all legal avenues to help the Muslims, but the law did not come to the rescue. In fact, they allowed unlawful demonstrations far too long and when the Muslim mob was engaged in unlawful activities the Government as a mark of appreciation of the restraint of that mob gave them a most valuable property as a gift. On the other hand moral responsibility for the trouble was thrown on the Sikhs who in spite of grave provocations had remained absolutely peaceful. Short of abdicating their authority I say that without fear of contradiction, short of abdicating their authority, the Government did everything to placate the Muslims. For three weeks the Government left the situation to be controlled by police and district authorities. When the situation passed out of their control they had to call the aid of the military and I can again say that that is the first instance of a similar kind and of a similar magnitude when firing was used to the minimum possible extent. I can say that definitely. I had the pleasure of travelling with a military officer who was present at the time of the firing and he said that at every one round, they were told to watch the result and on no other occasion of a similar nature such a restricted firing was ever done. Our Muslim friends are laying the blame at the door of the Government for doing their duty. May I ask the responsible Muslim members of this House and some honourable law-abiding members of their community what part they played to check the unlawful activities of their brethren? (*Interruption*). They had not even the courage to come out in the Press to condemn the unlawful activities. (*Interruption*). Sir, I do not want these interruptions.

Shaikh Muhammad Sadiq : If you ask questions, you will get answers.

Mr. President : I can not allow running comments.

Sardar Sahib Sardar Ujjal Singh : I said that they had not the courage to come out in the press.

Shaikh Muhammad Sadiq : We had.

Mr. President : Order, order.

Pir Akbar Ali : There was no press left.

Sardar Sahib Sardar Ujjal Singh : After the 20th of July and the 21st when the firing had taken place, when the mischief was done some honourable members came out to condemn breaches of law. They were sleeping all these three or four weeks. Had they the courage to come out earlier to face their brethren, I am sure firing would not have been resorted to. The charge is laid on the Government for not explaining their position properly to the public. As a matter of fact the charge is the other way about. Government has been giving too many explanations and too many *communiqués* have been issued by the Government. If these *communiqués* had not been issued, I am sure the Muslim mob would not have been encouraged. In one of these *communiqués*, as I have already referred to, a big and very valuable property was given and the result was that the Muslim agitators were encouraged and the situation went entirely out of control and the Government had to call in the aid of the military. One of the honourable members, the member for Sialkot referred to the District Magistrate and the City Magistrate. I am not defending them and I am not going to defend them as a Sikh.

Shaikh Muhammad Sadiq : He is not a Sikh as far as I know.

Sardar Sahib Sardar Ujjal Singh : I am not prepared to say that myself, though possibly the orthodox Akalis will not count one of them as a Sikh, but I can say this without any fear of contradiction that even the most brilliant specimen from amongst the British element of the Civil Service would not have handled the situation more tactfully and more efficiently than Mr. Partab has done (*hear, hear and cheers*). As Indians all of us ought to be proud of him (*hear, hear*). One honourable member had the hardihood to refer to the fact that on such occasions, Indian deputy commissioners ought to be transferred and the authority ought to be given to a European gentleman.

Shaikh Muhammad Sadiq : That is his own view.

Sardar Sahib Sardar Ujjal Singh : I agree with Mr. Sadiq. This is a matter on which the honourable member ought to have spoken with a little more thought. Does he mean to say that on every such occasion of communal riots, the deputy commissioner and the man in charge ought to be an European? (*Some honourable members : No*). If you let that be then you are going to bid good bye to the indianization of services. What are you going to do in the new constitution when you are forming your own cabinet? The fact of the matter is that the Muslim mob, I should say, the misguided Muslims instead of getting their grievances, if there were any grievances, removed by a friendly approach to the Sikhs, tried to intimidate the Sikh community to accept their demands and when they failed they tried to intimidate the Government and possibly with some success and encouraged by that, their agitation went on increasing. After all, what did the Government do in this matter. The Government had the only function of preserving law and order? They were no party to this affair. The highest court in the province and the courts in three judgments had definitely declared that the Shahidganj belonged to the Sikh community and the Muslims had nothing to do with it. Now, the only function of the executive Government was to enforce the findings of their courts. Their duty was the primary duty of any Government and they did not do anything beyond

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that. In fact our complaint is that they did not do their duty more firmly. If they had done so, I am sure, the trouble would have been nipped in the bud. Now, my honourable friends who have spoken against this demand perhaps realize, or they do not realize that a year hence they will be called upon to hold the reins of Government and the destinies of 23 millions of people of this province will be in their hands. If a situation like that were to arise, it would be interesting to speculate how that situation will be handled by these gentlemen. Would they allow it to be handled in the manner expressed by them on the floor of this House? If so, then heaven help the province.

Shaikh Muhammad Sadiq : He has not read or heard our speeches and that is why he is speaking like this.

Mr. President : Please let the honourable member have his say.

Shaikh Muhammad Sadiq : Let him have his say, but let him say right things and not wrong ones. He is imputing things which we never uttered.

Sardar Sahib Sardar Ujjal Singh : I do not refer to the speeches, I am referring to their general attitude. A very pertinent question was asked by the Honourable Finance Member when my honourable friend the member from Amritsar spoke about the rights of Mussalmans regarding Shahidganj, "What are those rights"? He has not been able to say anything in reply to this question. But I will reply to that question for him, as to whether they have any rights vested in the Shahidganj institution. I need not take the time of the House in going into the whole history of that institution, but I would refer only to one of the statements, a very pertinent statement and a report of an officer of the Government. That officer was a Mussalman, was a member of the Provincial Civil Service and was deputed by His Honour the Lieutenant Governor of the Punjab in 1883 to report.

Mr. President : I can not allow it to be read. The matter is sub-judice.

Sardar Sahib Sardar Ujjal Singh : If the matter is sub-judice I need not refer to it. It is said that additional police is not required. I can not understand why there is any opposition to the sanction of this additional staff knowing the state of affairs in this province. Do you mean to say that stray assaults on law-abiding citizens should continue or do you mean to say that ten lakhs of volunteers that you are going to recruit should continue to intimidate the lawful citizens and should continue to parade the streets of Lahore? If the Sikhs were to adopt the same method, there is bound to be a clash. Do you want that such a clash should come about? If you do not want, then you must support this demand for additional police to keep the law-breakers in order. (*Hear, hear*). In the end I should warn the Government and I say this with a full sense of responsibility that this vacillating policy of Government in handling the situation so far is doing harm to the province. Life, property and honour of law-abiding citizens are in constant danger. No one knows that at the next turning of the street he will not accost his assailant. If this state of affairs is allowed to continue, there will be anarchy. Impression has gone abroad that Government has almost abdicated, and there is some

justification for such an impression in the western districts of Campbellpore and Rawalpindi. Only the other day in a small place like Tuman in the Campbellpore district the Sikhs were not allowed to hold their religious diwan. A mob of 5 or 6 thousand collected to intimidate them. Some of the women folk were not allowed to go out of the precincts of the Gurdwara and that continued for three or four days. I do not wish to go into the details of that matter, but from what reports have reached us, I can say this that life and property and honour of the people there are not safe. A reign of terror prevails there. Unless Government takes up a firm attitude in this matter, I cannot say what the consequences might be, the Government should face this menace resolutely and it should demonstrate to the world that it is no respecter of persons or particular communities. Whosoever breaks the law, must suffer the full penalty of law. Either good sense in us all would prevail or the Government will have to handle the situation in a more firm and impartial manner. With these few words I support the demand (*hear, hear*).

Maulvi Mazhar Ali Azhar (East and West Central Towns, Muhammadan, Urban) (*Urdu*): The present opportunity has been taken apparently to discuss the Shahidganj affair which I need hardly say is a matter of vital importance and which has been agitating the whole province and the country for the last four and a half months. It is not now merely a question of the Government demand for additional police being accepted or rejected as has been wrongly suggested by the honourable member from Mian Channun (Sardar Sahib Saradar Ujjal Singh). It is a matter, as we all know, which has threatened or at any rate which threatens to disturb the peace of the province unless of course, we understand the real situation without further delay. We must, therefore, approach this problem with a full sense of responsibility and behave in a manner as will augur well for the future when the burden of running the administration will be placed on our shoulders. We should not feel shy of criticising the actions of this Government if we have to assume responsibility later on. It is not our duty to say "aye" to anything and everything which is said or done by the Government.

(*At this stage Mr. President left the chair and the Deputy President occupied it*).

After these introductory remarks I would like to give a brief history of this all important problem and incidentally tell the House the part played by the parties concerned in this affair. I will not say at this stage whether the Government has acted wisely or unwisely in handling the situation or whether or not it has been guilty of gross negligence in discharging its duties in this matter. But I must say to the honourable member from Mian Channun, that if he himself accuses the Government for having adopted a vacillating policy in this connection and having thereby let the communal tension grow in the province, he should not feel perturbed if other people think it fit to similarly criticise the actions and attitude of the Government. And I must say that the honourable member just now referred to has misunderstood the attitude of Ahrars towards this problem when he referred to the statement issued by us on the 23rd of July and has considered it inconsistent with the present discussion. It appears that he has not carefully read that statement and if he has read it, he has not cared to understand

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the same. I may as well say that he was wrong in suggesting that this question should not have been brought under discussion at this juncture when the relations of the different communities are so much strained already. He should know that it is better that this matter is allowed to be discussed and the opportunity afforded to all to speak out their mind. I am sure that this discussion will surely help to clear the atmosphere of so many false things which have gathered round this problem. To come to the history of the question the trouble began on 28th June when first an attempt was made to demolish the mosque and when four Sikhs were buried under the debris resulting in the death of one of them. After that incident the Muslims began to start an agitation and it was on the evening of the 29th June when a huge body of Muslims gathered together and started towards the Shahidganj mosque. This huge body of Muslims had hardly reached their destination when the Deputy Commissioner, the City Magistrate and the police officers arrived at the spot and began to persuade the Muslims gathered there to disperse. I myself happened to be at the spot where I had gone on being called by the Muslims and the officers in charge of the situation. I remember perfectly well that the City Magistrate himself, and at his request I also, tried to pacify the angry mob and the City Magistrate assured the people that the demolition of the mosque had been definitely stopped and that the Sikhs would not be allowed to demolish it further unless and until some decision had been reached. I do not remember the exact words which were used on that occasion to appease the mob and it was in fact impossible to take a note of those words used on that occasion. I, therefore, do not join issue on the matter of the use of the words by the City Magistrate or by the Deputy Commissioner who had also joined us in persuading the mob to go back. It is, however, a fact and an undeniable fact that an assurance was given to the mob that the mosque would not be allowed to be demolished any further pending the decision of the Government. After the 29th the things began to move a little faster. The Muslims on the one hand founded an association and named it "Anjuman-i-Tahaffuz-i-Masjid Shahidganj" and the local officers on the other apprised the Government at Simla as to what had happened and what was happening with regard to the Shahidganj affair. On the 2nd July a deputation of the Muslims waited upon the Deputy Commissioner and tried to place before him their point of view with regard to that matter. The Deputy Commissioner gave them a patient hearing and again assured the deputationists that until some decision was reached the mosque would remain intact. Following this assurance the statement was also issued on the 2nd July over the signature of the Deputy Commissioner in which the same assurance was repeated and I think I will do well to read the relevant portion of that statement. It is as follows :—

"It must be obvious to all sane persons that such a state of affairs, if allowed to continue, is bound to embitter communal relations and endanger the peace of the city. I appeal to them to do everything in their power to contradict false and alarming rumours and to restore communal harmony. Both the mosque and the Gurdwara are perfectly safe and authorities have taken all possible measures to protect them pending settlement of the dispute."

These were the words which were used by the Deputy Commissioner in that statement. After that both the Muslims and the Sikhs tried to settle the dispute. It is now an open secret that the Muslims in a deputation met

the Sikhs on the 4th July. The Muslim deputation consisted of Maulana Zafar Ali Khan, Syed Habib and Maulana Daud Ghaznavi besides others and they met Master Tara Singh and Sardar Mangal Singh and others to come to some settlement with regard to this matter. In the course of the talk between the parties Master Tara Singh made it quite plain to the Muslims that the return of the mosque to the Muslims by the Sikhs was out of the question, it was impossible for them to bring their community round to agree to it, and, therefore, some *via media* should be found out to arrive at some settlement. On this Maulana Daud Ghaznavi offered another solution of the difficulty and proposed that in order to appease the Muslims the Sikhs should at once undertake to repair that portion of the mosque which had been demolished and should further undertake not to demolish the mosque. It is impossible that this knotty problem may be solved in this way to the satisfaction of the Muslims, as it is the demolition of the mosque which has given them offence. Thereupon Master Tara Singh replied that the proposal deserved consideration and asked, if the Sikhs agreed to that, would the Muslim leaders give an assurance to

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the effect that the Muhammadan community would take it as the final settlement of the matter and that no further trouble would ever crop up in this connection? Maulana Zafar Ali Khan was not prepared to give that undertaking. Finding that there was a deadlock, Maulana Daud Ghaznavi suggested that the Muslims should have a talk in private. The Sikhs thereupon retired, saying that as the Muslims were their guests, they themselves should withdraw. And then Maulana Daud Ghaznavi turned towards Maulana Zafar Ali Khan saying that the responsible officer of the Government about whom Maulana Zafar Ali Khan had talked to him two hours earlier in the day and who had conveyed to him the information that the Government had already decided that if the agitation continued for a few days more, the mosque would be handed over to the Muslims was simply deceiving him. Maulana Zafar Ali Khan was perfectly sure of that. Maulana Syed Habib said if Maulana Zafar Ali Khan was assured that the mosque would be given to the Muslims, he himself had very reliable information, that the Sikhs were also assured of their strong position and that some responsible officer of Government had told them also that if they cared to demolish the mosque the Government would afford adequate protection to them by posting police and military around the building and have the mosque demolished just as the mosque outside Shahalmi Gate was demolished. Now one can understand how under such circumstances the conversations could possibly succeed.

On the 6th July the Government came down from Simla with a view to effecting some suitable settlement of the matter and thus removing the tension then prevailing between the two communities. It is a matter for regret that the European element in the Government considered itself competent to deal with the matter and no Indian member or Minister was brought to Lahore by the Government. The Indian Member and Ministers who might have succeeded in persuading the leaders of both the communities to effect an amicable settlement, reached Lahore after the 8th July when the mosque had actually been demolished. But the manner in which our wise Governor and his wise Councillors attempted to bring about a settlement between the communities concerned, was one which could in no case be

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conducive of good results. They did not ask the leaders of both communities to consider the matter most dispassionately in order to arrive at an agreement equally honourable to both the communities leaving aside the question of legal rights. What they actually did was that they explained to the Sikhs that their legal position was unassailable and that according to the opinion of the law officers of the Government they were perfectly within their rights even to demolish the mosque and in that case even section 295, Indian Penal Code would not be applicable. Now you can imagine how this explanation could in any way be helpful to Government in bringing about the much needed amicable settlement between the two communities. Why should the Government have flung such an opinion in the face of the Sikhs at the very first instance? When the Government had explained to the Sikhs that if anybody disturbed them in their task of demolition of the mosque, he would be dealt with in a manner in which the Muslims were later on treated on the 19th, 20th and 21st of July, by meeting with lathi charges and shooting, and any Sikh who wanted to demolish the mosque would have the fullest protection of the police and the military, how could it possibly be supposed that any settlement could be arrived at?

Now I turn to another very important point. On the 6th July a deputation of the Sikhs waited upon His Excellency the Governor and told him that though they would not hold out any promise that the mosque would not be demolished, they could give an undertaking that it would not be demolished unless and until the matter was laid before and considered by the Shiromani Gurdwara Parbandhak Committee in its meeting to be held on the 8th July. But the mosque was actually demolished before the Gurdwara Parbandhak Committee had the occasion to consider the matter. Now the Shiromani Gurdwara Parbandhak Committee was not a body of men like the Majlis-i-Ahrar, the Congress and other similar bodies, but it was created under the Gurdwara Act for the management of Sikh gurdwaras. Now Government says that matters took an unexpected turn when a Sikh leader took an oath to demolish the mosque himself if no other person was prepared to do it, and he actually began to demolish the mosque on the night of the 7th July. I ask when according to the undertaking given by the deputationists the mosque was not to be demolished until the matter was considered by the Gurdwara Parbandhak Committee, why did the Government not think it worthwhile to prevent the said Sikh individual from doing an act which was likely to jeopardize the peace of the country and bring bloodshed on an extensive scale? (*Hear, hear*). When an individual was about to act in this way, when he brought a winch in order to demolish the mosque, why did the Government not move their little finger to stop his activity? Was their strong arm paralysed? Had all their strength vanished? When the Government and the Sikhs on the one hand and the Muslims on the other were waiting for the decision of the Parbandhak Committee was it not up to Government to see that no individual was allowed to do any act that was likely to endanger the peace and tranquillity of the province? Please look at this matter keeping all these things in view. I am not stating all this with a view simply to apportion blame, but what I want to stress upon is that under such circumstances no amicable settlement was possible.

It has been said that even the Ahrars did not care to issue their statement at the proper time. I would submit that at that time they were closely watching the trend of events. At that time it was useless for us to express our views. If we kept silent, it was because the Government had given an assurance which was interpreted to be to the effect that the mosque would not be demolished until and unless the communities concerned had arrived at some settlement acceptable to both of them. In the presence of such an assurance nobody could have believed at the time that the mosque would be demolished in the way it was done. Even after the demolition of the mosque the Government had invited the members of this House for the 17th of July with a view to explore avenues of a settlement honourable to both sides. Who could under the circumstances say that nothing would come out of all these apparently useful efforts? It was on account of this assurance that we remained silent up to the 23rd. Mr. President, I may also mention here that the fact that on the one hand the Government had given an assurance to the effect that the mosque would not be demolished until and unless the communities concerned had arrived at some settlement and on the other hand they had arranged to supply the Sikhs with a winch and other material on the 7th raises a suspicion in the mind of the most unsuspecting. These tools and plants could not have been obtained from anywhere else but from some Government department. Why did the Government give these tools to the Sikhs on hire on the dates mentioned above? The rent deeds for these tools were very probably drawn up on the 7th. If so, it only shows that the Government did know that the mosque was to be demolished and it gave an assurance to the Muslims knowing all the time that the demolition of the mosque had already been decided upon. On the 7th all roads leading to the Shahidganj mosque were closed and nobody was allowed to go to that side. A poster which was distributed in thousands alleged that on the 7th after midday the passages leading to the mosque were picketed. The military may have come on the morning of the 8th July, but the police was there to take charge of the passages. All traffic towards Shahidganj was stopped on the 7th at about noon. No one was allowed to go to Shahidganj with the exception of motor lorries which had taken tools and winch to the spot or which were removing debris from it. If the Government had taken up the position that all legal rights over the mosque belonged to the Sikhs and that they had no power to check the Sikh community from pulling down the mosque the matter would have been quite different. It would have been a quite different issue if the Government had taken up this position and declared that they had taken up that position. The Government had contemplated that a more difficult situation would arise from this incident and it was with this expectation that it gave an assurance on the one hand to the Muslims and on the other allowed the Sikhs to proceed with the work of demolishing the mosque. All the facts show that the Government was in the know of everything that happened later on and that it allowed the matters to drift and did not handle the situation properly at the right moment. Not only the officers of the Punjab Government but also the officers of the Government of India gave it in writing that legally the mosque belonged to the Sikhs and that if they intended to demolish it the Government should make arrangements for their protection. All these facts tend to show that everything was premeditated. The meeting of the Gurdwara Parbandhak Committee was to take place on the morning of the

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8th and it was possible that that body might have given its decision in favour of the mosque not being demolished ; but in order to take the matter out of the hands of the Gurdwara Parbandhak Committee the mosque was hastily demolished on the night between 7th and the 8th. A member of the said committee wanted to go to the Shahidganj on the 8th in the morning but he was not allowed to go there. If a Muslim had wanted to go there the matter would have been different. But a Sikh who was a member of the Gurdwara Parbandhak Committee was not allowed to go to the spot. It was not a wise action to stop a member of the committee from proceeding to the spot. It was not a wise act of the Government officers. Had the Government put a ban on the taking of tools and plants to the spot for pulling down the building, it would have been a wise action, but to stop a member of the Gurdwara Parbandhak Committee from going there was certainly not a wise action. Perhaps the Government feared that he would remonstrate with the Sikhs who were engaged in pulling down the building. All elements to start a communal riot on a big scale were allowed to be there, but it was only by a chance that the riot did not start. Military aid was called and it included soldiers from all communities. There were Hindu, Muslim and Sikh soldiers there. Hindu and Sikh soldiers were stationed between the Akbari and Delhi gates and Muslim soldiers were posted between the Delhi Gate and Yakki Gate. The Hindu and Sikh soldiers shouted Har Har Mahadeo and Sat Siri Akal and the Muslim soldiers shouted Allah-ho-Akbar. One morning it was expected that the Muslim soldiers will start a fight with the Hindu and Sikh soldiers or *vice versa*. For five minutes the situation remained fraught with the greatest danger. The Muslim soldiers fasted for some days because of their injured feelings at the demolition of the mosque. The feelings of all communities were excited and had we, Ahrars, also joined hands with the Muslim public there would have been serious riots. Not only the different communities but the Muslim and the Sikh soldiers would also have fought with one another. At the time when bullets were being fired here, a question was asked in the Parliament. The question referred to communal troubles. It was asked whether the Government in view of the communal tension thought it advisable to slow down the process of Indianisation of the Army. The government did not give any reply to this question. But it does show that the Lahore situation was in mind and the Government expected that the communities would fight and afford them a chance to say that communal tension existed in India and that it was only with help of machineguns that the communities including soldiers were kept from falling at each others throat. It appears that all this trouble was started to afford an excuse for saying that Indianisation of the Army was not in the interests of India and that more of English officers and soldiers were indispensable.

Then, we know that on the 6th and 7th July the Government themselves promised that they would help in the matter if no demonstrations were made and in fact no demonstrations were made by Muslims. On the 8th a demonstration was made but the condition in the city remained quite peaceful. On the 8th a *communiqué* was issued by the Government. I need not recapitulate the contents of the *communiqué*. After this *communiqué* had been issued and the mosque had been demolished the Government called their Indian members of the cabinet from Simla and decided to call a meeting

of the members of the Council so that a compromise could be effected between the two communities. (*Interruptions*). Some of the honourable members say that we ought to have given expression to our thoughts at the time when this trouble had first arisen and stopped the people from taking part in the agitation. No doubt we would have done that if we could at that time but who could have stopped this trouble by saying to them that nothing would come out of it, when the Government was telling the people that it was arranging for compromise? The people would have replied "the Government wishes that the mosque should be returned to the Muslims, The Sikhs are to be induced to return it, we are to get it, who are you to say, that nothing would come out of it"? The Government policy and action tended to give a life to the trouble and as such it was difficult nay—impossible, for us, and for the matter of that for anybody else, to stop it. The circumstances had taken such a turn that even Maulana Zafar Ali Khan in his speech of the 11th July had to say that the *Anjuman-i-Tahfaz-i-Shahidganj* had been dissolved and that in its place *Anjuman Tahfaz-i-Aukaf-o-Masjid* had been formed. This was because he had realised that the case of Shahidganj mosque had become hopelessly involved and that even he was unable to see his way out of the difficult situation that had arisen. In these very days it was brought to our notice that the Government had called a meeting of the members of the Punjab Legislative Council so that they may try to help the communities to come to some amicable understanding. If instead of calling all the members whether Sikhs or Muslims to one meeting the Government had called them separately and persuaded them to arrive at some compromise perhaps they would have succeeded. But at a time when the communal feelings were excited and the Sikhs and Muslims were at loggerheads it was not possible for members of the Council to prevail upon the communities to effect a compromise. It would have been wise for the Government, if they were sincere in their attempts, to have called a meeting of the members of the Council before they had allowed the Sikhs to proceed with the work of demolishing the mosque. If it was not possible to call a meeting of the members of the Council, they ought to have called at least the Honourable Ministers and the Honourable the Indian Member of the Executive Council in the beginning when the trouble first arose and consulted them with regard to it. Before taking any action the Government ought to have consulted the Indian Members of the cabinet. But they did not do so. When the mosque was yet standing the Honourable Sir Jogendra Singh could have gone to the Sikhs and requested them not to demolish the mosque and the Muslim Member and Minister could have gone to the Muslims and tried their best to bring their community round to a spirit of moderation. But once the mosque was demolished, the Honourable Minister for Agriculture could not go to the Sikhs and ask them to have it rebuilt. The Sikhs in their excitement could not be expected to hear that. Nor could the Muslim Members and Minister be of much use at that late stage of the matter. Here I want to refer to some remarks made by my honourable friend Sardar Sahib Sardar Ujjal Singh. He stated in his speech that the Government tried to please the Muslims by giving them the Shah Chiragh mosque or by making a declaration to that effect. This declaration which was referred to by my honourable friend is a very interesting matter and it also leads to the same inference already referred to by me. It shows what dangers the Government was anticipating but which were fortunately avoided.

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It has been argued that in returning the Shah Chiragh Mosque to the Muslims the government showed an unnecessary favour to them and encouraged them in their unlawful activities. If the Government elected to do so, it was not because it was in any way favourably inclined towards the Muslims, but it cleverly took this step in view of certain apprehensions. I will now try to show what obliged the Government to adopt this measure. In this connection I should like to call the attention of the honourable members to the *communiqués* which were issued by the Government at intervals in the month of July last. In one of them it stated that "in appreciation of the great restraint exercised by the Muslim community generally in the Punjab, and especially in Lahore in the very trying circumstances of the past week, the Punjab Government has decided to hand the Shah Chiragh Mosque back to Muslim community through the Anjuman-i-Islamia, Lahore, with as little delay as possible." Prior to this, Government had issued another *communiqué* on the 9th which ran "The situation at Lahore up to 10 A.M. on the 9th is much more satisfactory than might reasonably have been expected. There has been no rioting, no looting, and no arson, and there has been no clash between bodies of rival communities." In a *communiqué* issued previously Government had stated that a few murderous assaults were committed but they were only isolated acts. A head constable who was on duty outside Akhari Gate was killed and another Sikh was also done to death. In spite of all this Government recognised in its *communiqué* of the 13th of July that the Muslims had exercised very great restraint and it thought it advisable to hand the Shah Chiragh Mosque back to them by way of compensation for their admirable restraint. Government tried to show that the return of this mosque was a reward to the Muslims, from which it appears that the Government expected a lot of bloodshed and communal rioting. The *communiqué* issued on the 9th of July indicates that the Government expected that there would be rioting, looting and arson, but the hopes of the Government were sadly blighted. If they had been satisfied by the volume and intensity of the agitation, the Government might have given the Shahidganj Mosque also. Now the minds of the people were extremely agitated in those days on account of the demolition of the mosque. When a person deeply injured and agitated by demolition of the mosque reads such a statement from the Government, he naturally thinks that if by doing some dangerous agitation the Government has given them one mosque, by doing more similar agitation it might give the other mosque also. From the *communiqué* of the 9th he would infer that Government expected a good deal of confusion and disorder in the city, but its hopes were not fulfilled.

By handing over this mosque the Government has not shown any favour to the Muslims. It feared that the Shahidganj agitation may not take a different course altogether. If the Sikhs and the Muslims would continue to fight, the position of Government would remain quite safe and secure. It would merely watch the show, and if need be it would play the part of an arbitrator. It would take shelter behind law and order and would do everything under the guise of upholding the dignity of the court. Thus it would escape coming into conflict with the Muslims in spite of showering its bullets on them. But the Government did not like that the Shahidganj agitation should end soon. It wanted that this matter should be prolonged

and there should be a lot of stir and commotion in the province. However, it wanted to save its own skin and was extremely anxious that the agitation for the return of a mosque should not start against itself. The Government wanted to avoid that occasion sedulously. So, for precaution's sake, Government discreetly decided to hand back the mosque to the Muslims. In fact, some people were already alluding to the mosque which was in possession of the Government. And on the 12th of July, at a meeting held inside the Badshahi Mosque, Syed Ata Ullah Shah Bukhari had definitely declared that though the Muslims were crying only for the Shahidganj mosque, there was another mosque also which belonged to the Muslims and which was being used as a court room. Death sentences were passed there every-day on criminals. The Government wanted to forestall any move by the Ahrars to divert the agitation to the Shah Chiragh Mosque and wanted the trouble to be localised round the Shahidganj Mosque. Therefore, I would submit that these circumstances forced the Government to return the Shah Chiragh Mosque to the Muslims. It certainly did not show any favour to the Muslims in doing so.

Again, on the 13th of July a meeting was held at the residence of Mian Abdul Aziz, Bar-at-Law, who was once a member of this honourable House. At that meeting Maulana Zafar Ali Khan, Syed Habib, and some members of the Ahrar party were present, when the prospect of a civil disobedience campaign was not at all viewed with any favour. It was decided there that a representative meeting of capable Muslim leaders should be invited from different parts of the province and the future course of action should be chalked out and the situation arising out of the demolition of the mosque should be considered. The public meeting for the 14th had been announced earlier. The meeting was held outside Mochi Gate. But on the early morning of the 15th, Government externed some leaders from Lahore and confined them to certain places in the province. Now the situation became all the more serious and difficult. Those people who were arrested and externed from Lahore were the then revered leaders of the people. So long as they were among the people, no unpleasant or undesirable incident happened. They were not prosecuted. Simply on this plea that those gentlemen were trying to create mischief they were externed from Lahore. One was sent to Karamabad, another to Montgomery, and yet another to a different place. If after the 14th the Government had not externed some of the leaders, representatives of the Muslim community from all other parts of the province, would have met and devised some scheme to handle the situation in a satisfactory way. But after the arrest of the leaders, people remained without any guide. The Government possesses a very elaborate system of securing intelligence. They must have had information of everything that took place at the residence of Mian Abdul Aziz on the 13th of July. It was decided there that recourse should not be taken to civil disobedience. The Government, however, did not think it wise to suspend its activities for a week or so and allow the agitation to subside. So it arrested the leaders and once again excited the people. Once more the feelings of the people ran high. Besides, they were without any leader. For the 17th His Excellency had invited a meeting of the members of the Legislative Council to discuss the Shahidganj affair. The Muslim public of Lahore began to cherish a hope that the Government would now restore the mosque to the Muhammadans.

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The arrests of the leaders had already created great commotion among the Muslims. A hartal was proclaimed on the 15th and the situation had further developed. The meetings were held at the Badshahi Mosque. One man who delivered a fiery speech on the 16th was arrested and imprisoned. At the meeting of the Councillors on the 17th it was decided that they should again meet on the 20th. In the meantime the members were asked to discuss the matter and if they arrived at any compromise they should put forward the terms of the agreement before Government. The adjournment of the Council meeting was before the public. They expected something favourable up to 20th. On the 19th a meeting was again held at the Badshahi Mosque where the question of civil disobedience was once more put forward. A young man made a fiery speech and said that he would go to the Shahidganj Mosque and he appealed to the audience that those who wanted to accompany him should take a solemn vow that they would stand by him through thick and thin and face even bullets, but would not return to their homes. Now, what did the Government do with them? They came out of the Shahi Mosque and proceeded towards the Delhi Gate. When they reached the Lange Mandi Water Works, a police force stopped them there. But the police did not arrest the processionists. I am at a loss to understand why the police allowed the processionists to proceed towards the Delhi Gate. If the police could not disperse them, could it not even arrest them? Had the Government not sufficient handcuffs? Were there no prisons? Was there no other place where Government could lock them up? Why did the Government allow the processionists and the police to enact a provocative drama throughout the night to which the people of the city and the surrounding places flocked throughout the night. The processionists had several lathi charges which were witnessed by standersby but their arrest and removal from the excited mob was not considered advisable. Had those people been arrested others might or might not have come forward to take their places. By failing to arrest the processionists the Government invited people from different parts of the city to come and watch the dramatic performance that was going on there. It thus once again made a very serious mistake and inflamed the people. In the morning, what do we see? This powerful Government which has miserably failed to arrest a mob of 400 people withdraws and allows the processionists to advance towards the Delhi Gate. When the forces of the Government accepted defeat, they beat a retreat and once again pitched themselves against the processionists outside the Delhi Gate. I ask how it was wise to allow the processionists to come to a spot which is so close to the Shahidganj Mosque. It would have been better to keep the processionists at a distance from a place which is so close to the Shahidganj Mosque. If the police force had taken a firm stand at the Lange Mandi Water Works, it would have been much better and the processionists could have been easily held up there. It is merely a lame excuse that the Government could not check the mob at the water works. After a night's stage show the powerful forces of a mighty Government withdrew before a small procession, and halted not in the Kashmiri Bazar, not in the Old Kotwali Chauk, not at the Chita Darwaza, but only at the Delhi Gate. Those brave people who had taken a vow that they would not return even if fire was opened on them, go and sit outside the Delhi Gate. On Saturday the first firing took place.

It was advanced as an excuse by Government that brickbats were thrown by the processionists at the police. Even if we admit for a moment that the brickbats were really thrown by the people, who knows that there were not any C. I. D. men in the mob? I am reminded here of Mr. Banerji from Meerut who was arrested at Lahore. A revolver was found on his person and he was sentenced to five years' rigorous imprisonment. From the prison he wrote a letter to the authorities saying that he was a C. I. D. man, sent by the Superintendent of the Meerut Police and the Government had to admit the truth of that statement. Similarly, it would not be surprising if there were some similar agents in the mob outside Delhi Gate who wanted to create mischief by throwing brickbats at the police. The people throughout the night had not thrown brickbats when at Lange Mandi and one cannot expect of them to be throwing brickbats when they reached Delhi Gate. But I would say that even if we suppose that there were persons who did throw brickbats at the police, the latter should have shown greater coolness and patience and should not have excited them by opening fire on them and killing them relentlessly. Even if it may be true that 20, 30 or 50 brickbats were found in possession of the crowd it was not a praiseworthy act on the part of the Government to resort to firing. The members of the Council were to meet in this House on the day of firing but later on it was decided that the proposed meeting should be held in the Government House. We did not attend that meeting. In the first place we were delayed on account of the unhappy aspect which the situation had assumed and secondly we did not receive any intimation that we were to attend at the Government House. However, the fact is that we could not attend that meeting. Then the members met in the Pipals in the evening and after a good deal of discussion it was decided that the minimum demands of the Mussalmans should be placed before the Sikhs on the following day and the Honourable Sir Jogendra Singh should go to Amritsar to place those demands before the Shiromani Gurdawara Parbhandhak Committee. The people were informed that on the following day they were to be compensated for the sacrifices they had made by facing bullets. This information resulted in the multiplication of the crowd. The hope was expressed that Muslim members of the Government should assure His Excellency that the Mussalmans would remain peaceful and His Excellency should issue instructions to the officers on the spot that firing may not be resorted to.

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

I cannot say what the Members of the Government told His Excellency but it is a fact that on the following day, that is, on 21st the military opened fire on a crowd which had not thrown at them even a small piece of stone. I should like the Government to say on the floor of this House, when the crowd had not thrown at their officers a single piece of stone, what justification they had to open fire on the people so ruthlessly? And then the Government cannot say that firing was resorted to all of a sudden because the situation had developed to an ugly aspect suddenly, because they ordered the troops to open fire after some deliberation. First the C. I. D. men who were mixing with the crowd in plain clothes were ordered to come out and when the officers saw that not a single secret service agent in plain clothes was mixing with the crowd they opened fire. Some previous speakers have referred to various aspects of this shooting. As for myself, I was not present at Yakki Gate when shooting took place there; therefore, I cannot take the

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responsibility for what has been said about that shooting. But as far as the shooting which took place outside the Akbari Gate is concerned, I have some interesting revelations to make. When the troops went towards Akbari Gate side people had retired beyond the Shah Muhammad Ghaus Mosque, with the exception of only a few individuals. Those also subsequently retired. The road was clear up to at least two furlongs. There are eye-witnesses who were watching these happenings from the windows of their houses. They tell us, and they are reliable gentlemen, that the people gave absolutely no provocation to the troops. And one military man went through the garden calmly and quietly and from the place where Inspector.

5 P.M. C. I. D., was quartered shot at a person who was doing his work at a shop. This firing was simply wanton and had not the least justification. If the Government had instituted any independent enquiry they would have come to this and no other conclusion, that there was no justification whatever for opening fire on the peaceful people. But the Government is secure in its position; it knows that nobody can pull it down from the pedestal of its power, therefore it refuses to listen to reason. The Government simply smiles when the people express their deepest anguish. It is no use, I say, if the Government comes to clear its position in this House. We do not want that the Punjab Government should institute an enquiry. We want the Home Government to appoint an independent commission to go into this affair, sift all the relevant evidence about it and arrive at a decision so that the world might know who was responsible for starting this conflagration. I do not think that making appeals here to the Government or to the Sikhs will serve any useful purpose. Do we not know that on the 20th July it was decided that Sir Jogendra Singh should go to Amritsar to remonstrate with his co-religionists and on the morning of the 21st we read in the editorial of the *Civil and Military Gazette* which is a semi-official organ of the Government that in view of the attitude of the Musalmans no honourable community could think of arriving at a settlement with them? Having read this in the morning we foresaw what was to happen in the evening at 6 o'clock. We had concluded that it was no use to send Sir Jogendra Singh to Amritsar. However, when we learnt that Sir Jogendra Singh had been unsuccessful in his mission we clearly saw that there was no hope of a settlement. The Mussalmans then diverted their attention to the people who had gathered outside Delhi Gate. They remonstrated with the people and at last succeeded in bringing them to the Wazir Khan's Mosque. I may mention here that the attitude of the authorities with regard to the people who had gathered outside Delhi Gate was very strange and understandable. They were told at 6 o'clock that they would be fired upon if they did not disperse but nobody was arrested. However, the people were removed from the scene by the persuasions of some gentlemen and taken to the Wazir Khan Mosque. Counsel of moderation was offered, but people in good book of the Government again tried to start civil disobedience which would have plunged the whole country in disaster. When the Ahrars saw that the country was about to be plunged into the abyss of a civil disobedience movement which was bound to result in communal clash on an extensive and unprecedented scale involving the whole country from Peshawar to Cape Comorin, they issued the statement to which a reference has been made by Sardar

Sahib Sardar Ujjal Singh. The situation was this. The Mussalmans had lost all hopes of a settlement. Even His Excellency had not been able to help them. But people were again made to believe that the Government wanted them to start a campaign of civil disobedience. The Government so far has not attempted to repudiate the statement of a speaker who spoke in Amritsar on the 29th of August. He had said, "After the 21st a Government Minister told us that if the Mussalmans resorted to civil disobedience the Government would get them the mosque." The speaker even mentioned the name of the Government minister and his speech was reported in the press. There is no reason to believe that the Government did not receive the report of that meeting. But up to this time no contradiction of that statement has been made by the Government. Should we take it that the statement of the afore-mentioned speaker was based on facts? The circumstances tend to show that the Government officers let the danger assume a more serious form by their own actions. I am constrained to remark that the Government Members did not fully realize their responsibility at that time.

Now the Government has the question of releasing the internees and cancelling the securities demanded from certain newspapers before them. But this is not so important as the matters to which I have drawn their attention. The Government should convince the people and this House that they have been and are prepared to do their duty in regard to these matters. We all know that the question of releasing the internees and cancelling the securities demanded from papers is of a secondary nature. The Government will have to release the internees and cancel the securities of newspapers sooner or later. Therefore, we should invite their attention to more vital issues. They should weigh the situation well even now and do the needful as soon as possible. We still believe that if the Government officers had not allowed the things to drift to more disastrous consequences by interning Maulana Zafar Ali Khan and his associates on the 15th of July, they might have been able to avert the catastrophe. With these words, Sir, I oppose the demand under consideration.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): Of all the points that have been raised in this Shahidganj discussion, I think none was marked more by a spirit of communalism than the one that threw the suggestion that the officers in charge of the town were Sikhs and that the solution was that they should have by this time been removed. I think the glowing tribute paid by Mr. Muhammad Din Malak who had more occasions to come into contact with these officers than any one of the members of the House has certainly taken the sting out of this venomous attack. I think I should also, while making a few observations, make one or two remarks about the speeches made by our friend from Sialkot. Of the suggestions that he made one was, and that was for the Government, that it would have been certainly better for the Government to allow the Sikhs, and the Muslims to proceed in the direction of the Gurdwara on the morning of the 8th July. I doubt very much whether he intended it as a joke or whether he suggested this seriously. I think the Government would have certainly been charged with malfeasance and misfeasance and I think there would have been a feast of bloodshed if both the communities in the atmosphere that was created that morning had been allowed to proceed to the Gurdwara unhampered by the police and forces of the military. The debate, as has

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been remarked, has been initiated by my friend Chaudhri Afzal Haq who belongs to my district. When Sardar Ujjal Singh was making a few remarks regarding the points referred to by Chaudhri Afzal Haq exception was taken to his remarks because it was pointed out that Sardar Ujjal Singh was not present on that day. Reference has been made to the statement issued on the 23rd July in which the authors of the statement warned their own community that they were taking the wrong steps. That was the best advice that could be given to members of his community. But the suggestions that the honourable member made in his speech on Monday last were not quite consistent with the sentiments and the good advice that he gave to his community in that statement. It has been pointed out that certainly Government have taken a rather more severe action than was warranted by the facts and the exigencies of the situation. He was pleased to remark that perhaps the Government would not have stood in need of a single constable had the Government handled the situation in a proper way. As to what the proper way was, what the proper steps which the Government could have taken were we were not told very much. Every one of us wishes that this thing should have been managed in a way in which the tax payer would not have been put to extra expenditure. But unfortunately the facts of the situation were there and the Government were certainly charged with the duty of maintaining peace and order. He pointed out, and I think very rightly, that he appreciated certain steps that had been taken by Government, though to-day our friend, Maulvi Mazhar Ali has taken exception to the steps which Government have taken before the demolition of the building. The honourable member, Chaudhri Afzal Haq, pointed out that it was certainly in the fitness of things that the Government showed a solicitude to see the members of both the communities. This was appreciated by the honourable member and I think every one of us endorses that view of his that the Government were certainly inspired by the best of motives and that they were trying to avert the clash between the two communities when they came here on the 5th or the 6th of July. The members of both the communities were allowed to see His Excellency the Governor and I think other Members of Government were also present. The situation was explained to the members of the respective communities. The Muslim deputationists pointed out that they thought they had certain rights in the building but the Government pointed out to them that so far as the legal rights were concerned, Government had absolutely nothing to say. The rights of the Sikhs have been established by the judgment of the highest tribunal of the province. And so far as the legal rights, therefore, were concerned—(An honourable member: Right to build?) I mean rights in the building, rights to do anything with the building which ownership thereof connotes, rights to do anything with the article over which legal possession was held. So far as the legal rights were concerned, therefore, there was no question. But the Government were anxious that some settlement should be arrived at which might be accepted by both the parties. The Government on the same day saw certain Sikh members and the Sikhs had their say. They clearly indicated in the clearest terms what their position in the matter was. They said that it was very difficult for them to take any other position except that they had established their rights over the building and that they could not budge an inch from the position that had been taken up, and that if a concession was made perhaps it

might lead to some further trouble. It might lead to some further demand for certain other concessions. Again, the Government explained to the Sikhs that that position was perhaps right but that Government did not want that there should be bloodshed, that the harmony and good relations between the two communities should be in no way disturbed. That was the position which the Government took on the 6th of July. The Government have made it quite clear in their *communiqué* that they wanted the Sikhs to give them some assurance that they would not touch the building. The Sikh members said that they would do all that they could to prevail upon the members of their community but that they were not willing to give an undertaking themselves on behalf of the community to the Government, and they further said that if the Government told the Muslims that the Sikhs had given some undertaking or the Government published some undertaking or some assurance as having been given by the Sikhs, the Sikhs would deny in the Press that they had given any such undertaking to the Government. That was the position on the 6th. And, therefore, to say that the Government were interested, or biased, that they were not concerned very much with the position of the Muslim community, that the Indian members of the Cabinet were not present on that particular day—that is news to me—to say all this I think would be contrary to facts. The decision of the Sikhs and the position of Government were made clear.

Some capital was made out of the winch. We have been hearing about it since the last two or three days, what this winch was, how it came there and so on. I think the Honourable Finance Member was pleased to remark that it had been forgotten by honourable members that building operations and demolition of buildings were already in progress there and that it was not with the set purpose of demolishing the alleged mosque that the winch was brought in on that particular day.

The Honourable Mr. D. J. Boyd : On a point of personal explanation. I said that demolition of other buildings was going on at the same time within the same enclosure and even if anybody had noticed the winch, they would not necessarily have thought that it was meant to be used for the mosque.

Sardar Arjan Singh : Regarding the story of the winch it is said that mystery surrounds it. I do not know how the Government would be in any way responsible for the introduction of the winch or how it was introduced there.

I now proceed to the demand before us. The relevancy of the Shahidganj affair is confined to the question whether additional police is needed or not. The charge may be laid against the Government that they have not tried to conciliate the Muslims and failing which they should have tried to control the situation. In that connection I wish to make one or two observations. It was on the 9th July that the Government issued a *communiqué* in which they pointed out that they had come to the conclusion that the rights in the building certainly rested with the Sikhs but that they condemned the provocative nature of the work that the Sikhs had done. And they further pointed out that the "moral responsibility" for the consequences that would follow would be with the Sikhs. Whether consciously or unconsciously, Government in that *communiqué* committed themselves to a line of action

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which no Government should have done. As a matter of fact, the executive government is concerned with the maintenance of law and order and is concerned with the enforcement of rights, with the execution of decrees that have been passed by civil courts. When Government went to pin the moral responsibility with the one section which had the legal rights, they certainly went in the wrong direction. In fact when any Government undertakes the responsibility of apportioning legal rights and moral responsibilities, it undertakes, I think, an arduous duty because moral rights and responsibilities can never be defined and have never been defined. If the Government takes leave of legal rights it certainly endangers itself and takes a line which might be fraught with harm for itself in the long run. If the Government were to enforce a moral responsibility, nobody would be secure. Nobody would be satisfied with a certain decree passed in his favour if his rights cannot be ensured. He should be trembling with the fear that the deputy commissioner, the district judge or the sessions judge or the superintendent of police of the district might still come at any time and might say: "The legal right is with you but the moral rights are with another, and, therefore, you will not be allowed to do what you like with regard to the property although there has been an adjudication in respect of it in your favour." Furthermore, the Government said that the Sikhs would be *responsible* morally for the consequences. No more untenable situation would have been created by any Government. On the one hand, there is a mob of law breakers. They say that by mere force they would take possession of a certain building and the Government say that because that mob takes it into its head to take possession of the building by force, the moral responsibility lies with those who ask for the enforcement of their legal rights. I have mentioned this fact with a view to show that at least the Government did all that they could to appease the Muslim mob by pointing out that the moral responsibility lay with the Sikhs.

Regarding the other action which has been referred to by speaker after-speaker, namely the decision to hand over the Shah Chiragh mosque to the Muslims, I, as a Sikh, would not take the least objection to the Government making over that mosque to the Muslims because the Muslims have been asking for the restoration of that building because it was a mosque and the Government recognised in that *communique* that that was certainly a mosque. But I would certainly take exception to the reason which the Government give. They say, in appreciation of the restraint which has been exercised by the Muslim community during the last week in the Punjab generally and in Lahore in particular, they would make over that mosque to that community. Another *communique* had been issued by the Government on the 8th in which it was pointed out that at about twenty minutes past ten, a Sikh had been murdered in broad daylight on the King's highway, it was also pointed out in that very *communique*, I think, that a certain Muslim mob wanted to proceed to the Shahidganj gurdwara and that they could not be restrained until and unless the Government had had recourse to lathi charge. And the third incident was also mentioned in that very *communique* and that was the murder of Harnam Singh, head constable, while on duty. These three incidents were before the Government and the Government still considered that there was a restraint exercised by the Muslim

community. If that was restraint one is at a loss to understand what lack of restraint would mean in the opinion of Government. Even here, I would say that the Government did all that as a conciliatory measure so that they could appease the Muslim mob. They failed miserably in doing that. There is yet another action, and that is the exemption of the sword from the Arms Act in the province. Even here, I do not find fault with the Government for what they have done. Let the sword be exempted from the operation of the Arms Act. But here again, the time chosen by the Government certainly was not judicious. It was on the other hand most inopportune. When there were mobs all round, when there were demonstrations all round, demonstrations of crowds running up to lakhs of people, in the bazars of this very capital of the province, was that the time for Government to take this decision? What has been the effect of that step? There have been demonstrations, there have been mobs, there have been processions with naked swords, hatchets, spades, everywhere. It is a position which the Government have had to handle and let us see how they handle the situation.

The fourth was that the Finance Member was pleased to make an announcement on the 24th of October that he was prepared to do certain things in connection with the Shahidganj prisoners. He was pleased to announce that he was prepared to release the prisoners who were sentenced in connection with the Shahidganj affair, provided the agitation took a constitutional line. The members of this House must have read in the papers that there has been a recent meeting in which there was a demand made for ten lakhs of volunteers, instead of one lakh previously decided upon. What these ten lakhs of volunteers are going to do and what their programme is going to be is not known to us, but perhaps Government knows. Government has done all that it could have done and it has laid itself open to the charge that it was following a weak-kneed policy and a policy of drift. If in spite of all that Government has done it has not been able to restore peace and calm atmosphere, the only course left open to the Government is to come up with this demand for additional police. With these words I support the demand under discussion.

Thakur Panchan Chand (Kangra, non-Muhammadan, Rural): A good deal has been said by honourable members on both sides of the House about the Shahidganj affair, but I want to place before the House my dispassionate view of the situation. The Shahidganj affair is an eye opener to all the communities living in the province. For the last four or five months we are having a reign of terror in the Punjab under the garb of this agitation, and I think by this time Government must have realised the consequences of favouring one community at the expense of another community, and I hope Government will not commit such a mistake in future. It is the sacred duty of the benign Government to protect the legal rights and the property of its subjects at any cost. Government has to see also that rights established by the courts are given effect to and that no party is allowed to take the law in its own hands. If the Government fails in its duty, then there is no government worth the name. Several honourable members of this House have criticised the Government for not handling the situation tactfully. If by tact is meant the restoration of property, then surely the Government has failed. Government was most anxious to have the matter settled amicably, so much so that it came

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down from Simla, but the Muhammadans wanted to threaten the Government and they succeeded to some extent. It is most unfair to accuse the Government of any favour or partiality. The Government was too anxious to settle the matter but without infringing the legal rights of the other community. If the honourable members wanted that the Government should have slept over the matter when innocent people were attacked or when the military and the police were being injured or when the Government motor cars were being damaged, then I think they did not realise the situation. When I read the statement published in the *Punjab Gazette* regarding the Shahidganj agitation, I was simply surprised and the impression that was created in my mind was this that the Government was following a policy of weakness. In fact the Government should have suppressed the agitation in the very beginning with a strong hand. Even now the agitation in the province has not subsided. A few days back a man, simply because he belonged to another community, was stabbed in the broad day light in the capital of the province. Then various conferences have been held and threats have been given, and it is suggested that ten lakhs of volunteers are to be enlisted for the upkeep of this agitation, the economic boycott is going on and the poor shopkeepers are suffering from it. In the circumstances, when the property and the life of the people are in danger, it is the duty of Government to maintain law and order at any cost. I do not think that Government will be able to cope with the situation by the addition of 300 constables. If Government is determined to keep law and order, it will have to incur more expense and the representatives of our community are ready to help Government in this matter. With these words I support the motion.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural) (*Urdu*): After hearing such lengthy speeches as have been delivered by some honourable members, I had no mind to speak on the subject under discussion. But the Government as well as some Sikh members have raised certain points which have not so far been answered and which ought to be answered by the Muslim members. From the attitude the Government have adopted in this matter one can conclude that they do not like to know the real facts. But here as we have taken an oath to perform our duties as members of the House most conscientiously. I think we are in duty bound to state the real facts before the House. We cannot say who demolished the mosque or how it was demolished, but one thing is clear that the Government had a hand in the matter. The firing at the peaceful mob was absolutely uncalled for and the Government has not been able to show its justification. We have seen that on certain previous occasions the Government had sent some fifty thousand persons to jail. The mob that collected outside the Delhi Gate did not even exceed twenty thousand. They were unarmed and peaceful. I do not see why they could not have been arrested. My honourable friend, Shaikh Muhammad Sadiq, has made the position of the Muslims quite clear. You talk of the legal position of the Sikhs, but you ignore the fact that even the decision of the highest tribunal of the province cannot retract a bit from the real significance of a mosque. A mosque remains a mosque for ever and to demolish, defile or damage it is clearly an offence under section 295, Indian Penal Code, in spite of the expert

opinion obtaining on the point. Besides the mosque could be preserved under the Ancient Monuments Preservation Act but the Government did not care to do so. In my opinion, the Government have entirely failed in their duty. They could have consulted the two Muslim members of the cabinet or some well-known *Ulemas* on the point. I say that a mosque or as a matter of fact any place of worship cannot be demolished under any law whatsoever. The Muslims are enjoined by the Holy Quran that they should protect all places of worship, and places of worship include mosques as well as temples and gurdwaras. According to *shariat* if a mosque is demolished, its site cannot be put to any use other than that of a mosque. It is binding according to the *shariat* on the Muslims that they should protect their mosques. In the present case the Muslims regard the demolition of the Shahidganj mosque a dishonour to them as a community. They will continue to regard it as an insult to them as a class so long as the site of the mosque is not returned to them. In the Holy Quran it is enjoined upon the Muslims to fight and even to court death for the protection of places of worship. From the point of view of the Holy Quran the legal position of the Muslims with regard to the demolition of the Shahidganj mosque is what I have explained just now.

On the 17th July members of the Council were called. Amongst them were included the Hindus, Muslims and Sikhs. Although the Hindus had no connection with this affair still they were called, and if the Sikhs and Muslims could not arrive at a settlement, it was due to the presence of the Hindu members. On the 17th July a meeting of the members was called by Government; and a poster was prepared by the members in the said meeting for circulation. After which the meeting adjourned. The Muslims separated to consider their case and the Sikhs and the Hindu members met to consider their case. The Muslim members requested Chaudhri Chhotu Ram to place on their behalf before the Sikh members the Muslim demand. After that meeting, another meeting of the members was again called on the 20th July. On arriving here I came to know that the meeting would be held in the Government House. But before the members met in the Government House, the firing was resorted to. Anyhow the members met in the Government House and Shaikh Muhammad Sadiq made a speech in which he asked, whether if demands of the Muslims were found to be reasonable, the Government would accept them. The answer was that they would be accepted provided they happened to be reasonable. The Muslims placed before the Sikhs their proposal. The Sikhs on their side were lectured by honourable Raja Narendara Nath. I need not mention the details of that lecture. In short it was decided that members should meet again in the "Pipals." In that meeting I requested Raja Sahib, whose heart throbs at the slight pain to a lamb or chicken, declined to take pity on the Muslims who were after all human beings and refused to advise the Sikhs to effect some compromise with the Muslims. Another member at that time asked me not to press Raja Sahib for he had no sympathy with the Muslims. Then the Sikh members approached the Gurdwara Parbandhak Committee but without success. It was not a question of personal property. It was a question of self-respect of a community. The Muslims considered it as death of the whole community if the mosque was not restored to them. If we wanted that the mosque should be returned

[Pir Akbar Ali.]

to us it was because we wanted to keep intact our honour as a class. We had no intention to injure the feelings of any other community by getting the mosque. The legal position of the mosque from the point of view of the Muslims is again what I have now explained.

Next comes the question of compensation to the survivors of those who were killed in the Shahidganj firing. When we demand compensation for the survivors of our martyrs we do not mean to demand the price of their blood. We want compensation for their survivors. It is for God to compensate the martyrs. Nobody can compensate them. The third thing demanded by us is that those leaders of the Muslims who have been externed or interned in this connection should be allowed to return or set free as the case may be. Our leaders have been interned without cause being shown for it. No case has been brought against them to find out what crime they had committed. The public is not acquainted with their guilt. Further, the publication of Muslim papers has been stopped. There are very few Muslim organs. Out of them half have been stopped. This means that the right of speech has been taken away from the Muslims. At present the Muslims cannot place their grievances before the public or the Government because on the one hand the publication of their papers has been stopped and on the other their leaders have been interned. We demand that our leaders should be set free and restrictions against the publication of our papers should be removed. I see no reason why Government should have any objection against these demands of the Muslims. I also think that the Sikhs and Hindus can have no objection against these demands. The Government's action with regard to Shahidganj affair has been very much appreciated by the Sikhs. Let me make it clear to the Sikhs and also to the Hindus that if ever the same thing happened with regard to a temple or a gurdwara the Muslims will not behave as their sister communities have behaved. They would, on the other hand, sympathise with them and help them in all possible ways. The religion of the Muslims makes it binding upon them to protect all places of worship, be they temples or gurdwaras or mosques. If the Hindus were to say that Muslims have been guilty of demolishing temples, let them understand that if any Muhammadan did such a thing he did it against the preachings of his religion. And in future if any Muslim will demolish any place of worship he will be guilty of disobeying the behests of his religion and as such will not remain a Muslim. You are going to get reforms which mean that there will be a majority rule. If in the Punjab the Muslims are in majority, then I assure you that they will not injure the feelings of their sister communities by demolishing temples and gurdwaras, and if they will do any such thing, they will no longer remain Muslims. Therefore, you should not worry about the future. If the Government had consulted the Honourable Ministers, I think the position would have been quite different. Government consulted them when it was too late. (*Interruption*). The Honourable Ministers are present and they have not admitted that they were consulted. How can they make such a statement knowing that if they admitted that they were consulted, then the next question to be asked would be, what did they propose? They cannot say that they had agreed to the proposal of demolishing the mosque. (*An honourable member*: They

must have said that the mosque should be demolished.) I am a Muslim and I cannot entertain such suspicions about the honesty of our Ministers. If we for the sake of argument admit that the Ministers were not consulted because they were not here at that time, the question arises why Sir Fazl-i-Husain who was here in the Punjab at that time was not consulted. I am sure he would have given a very sound advice with regard to this matter. If Sir Fazl-i-Husain had been consulted and approached, he would surely have prevailed upon the communities to effect a compromise with the Muslims and the other communities would have respected his advice and agreed to it. We Muslims, Hindus and Sikhs have to live in this country and as such we should try to live peacefully like brothers. We should try to make our mutual relations cordial. If our relations remained strained, we will not make any progress in the future under the reforms. We have not only to compete with the other provinces like the United Provinces and the Bombay Presidency, but we have also in co-operation with those provinces to compete with the rest of the world so as to win the respect of other countries. We have to progress and it cannot be done until we become united and remove all causes of friction. If the Government is on the wrong we should have the moral courage to condemn it. The Sikhs are a very brave people and they have the courage to say what is true. I hope in the present case they will not hide the truth merely for the sake of winning the good will of the Government. A community which is brave is also benevolent and as such I am sure that the Sikhs will realize their mistake and make amends for it by allowing the Muslims to have their right of prayer in the mosque. I hope the Sikhs are large-hearted and they will give back the mosque to the Muslims even without demanding its price. I am sure a time will come when their conscience will prick them and they will realise their mistake and will try to make amends, by restoring the mosque to the Muslims. At present we are opposing this demand of Rs. 72,000 which is for the police for the reason that the police had failed to tackle the situation properly and did not even inform the Secretary that the mosque was being demolished and that it was because of their incompetency that the military had been called. Such a police is not wanted and if the present police is the favourite of the Government, then let the Government find out some other source to defray the charges of the police department. (*Interruption*) Pandit Ji (Mr. N. C. Pandit) is an able member of the Council. We expect that he would try to bring about some settlement between the Sikhs and Muslims and not indulge in such light-hearted remarks. We have stated the mistakes made by some other members of his community and they have left the chamber. But here he is interrupting and interfering at every step. We expected that his influence would be on the side of good and he would try to reconcile the Sikhs and Muslims. If we learn to show regard for others and if one community begins to hold in reverence the saints and holy men of another community there will be no trouble and mischief in the world. Tolerance is a great factor in social relationship. If we acquire the simple virtue of respecting the susceptibilities of other people and act on the principle of toleration, the worries and miseries which are peculiar to this wretched country, will come to an end. You want that you and your elders should be respected, but you do not want to show a similar regard for others.

6 P.M.

Mr. Nanak Chand Pandit : Is the honourable member in order in making personal remarks? I have said not a word on this subject and yet he is directing his remark to me.

Pir Akbar Ali : Sir, I am not directing my remark to any particular person. I am addressing some honourable members.

Mr. President : The honourable member is addressing a section of the House. He should address the Chair?

Pir Akbar Ali : Very well, Sir. Through you I would submit to the honourable members that they should show respect to the revered persons and saints of other communities and they should show due regard for their temples and holy places.

Mr. President : I would request the honourable member not to repeat the same thing over again.

Pir Akbar Ali : Some honourable members have referred to certain incidents in this connection which have no special bearing on this subject. The cut motion relates to a demand for additional police required in connection with Shahidganj agitation. It can be either supported or opposed. But it is not necessary in this case to mention incidents which are not at all related to the point at issue. Reference has been made to the murders which took place at Shahdara and outside Mochi Gate. It is really painful that some honourable members have repeated these things here. I do not think for a moment that the Sikhs and the Muslims have become so degenerate and base that they will praise and eulogise such dastardly attacks on innocent people and will approve of such heinous crimes. No sane and sensible man can like these things. No Muslim will ever help or encourage a murderer. If you will condemn such a murderer, I will denounce him with greater frankness and vigour. Acts of this kind are against religion, against morals, and against society. A certain man runs amuck. It does not matter whether he is a Sikh or a Muhammadan. He behaves like a mad man. He loses command of himself. His sense and wisdom bid him good bye. It is the way of a mad man to behave madly. A mad man has no religion. He is neither a Hindu, nor a Sikh nor a Muhammadan. If he were sensible, he would not behave in that way. For the acts of one person, the whole community should not be run down. It is not just or fair. Such stray incidents cannot spoil the fair name of a community. Only a mad man will approve of a mad act. A man who is in his senses will never extol such an act. The Muslims and the Sikhs who are sensible and wise will never side with persons of their community as are guilty of dastardly attacks and heinous crimes.

In supporting this demand for additional police some honourable members have been pleased to remark that in dispersing the mob outside the Delhi Gate only minimum force was used. And in order to meet the situation that had arisen out of the Shahidganj agitation, the government wants Rs. 72,670 for the appointment of additional police. I fail to understand how the government says that minimum force was applied in this case. When the government found that the police had failed to disperse the mob, it sent for the military from outside and yet it is asserted that only minimum force was employed in dispersing the mob. What is the result of the so-called minimum force? Fifteen men were killed outright; 80

men were severely wounded and were entered in the hospitals, and the number of other injured persons could not be ascertained and yet it is avowed that minimum force was employed for this purpose. If this is the result of minimum force, what would have been the result of maximum force? Perhaps in that case all the men gathered outside the Delhi Gate would have been shot dead and the Muslim population of Lahore would have been mercilessly wounded. This is stated to be the use of minimum force. But, alas, we are living in a slave country where everything is permissible. Had this incident occurred in England and had anybody died there in this way, the society of that place would never have forgotten this occurrence and it would have gone down in the history of that country. The English would have never forgotten this incident. They would not have allowed the culprits to escape with impunity. They would have made the life of the government of the time so miserable that the responsible officers would have thought it fit to resign their posts. But in this slave country, India, government can do whatever it pleases, persecute the people to its heart's content and say that it has used the least force in molesting and torturing them. This is the height of our slavery and helplessness. We cannot raise even a voice of protest against this oppression and high-handedness. The death of a coloured man means nothing. You may kill as many as you like; no one will question you. However, I am inclined to think that the government is merciful and good, but it has bungled, hopelessly bungled, in this case. Perhaps, it will also admit that it has made a serious mistake in this matter. The government has wisdom. It should try to understand that it is not a joke to lay down one's life. Those people who died on account of firing had parents and relations. If some people foolishly approve of this mistake of the government, it should not in any way feel flattered but should frankly admit that it has really made a serious blunder in this case.

It has been said again and again that we have now to see the end and result of this knotty problem. I say that the result will be prepared by us and the end will be created by us. It is not right to say that we have yet to see the result of this whole affair. We should face this problem boldly and should do our utmost to solve it in such a way that all differences should disappear and the settlement should be honourable to either party. The consequences will prove a blessing to us hereafter. These very unpleasant incidents which have taken place so far might unite the two communities which are now at daggers drawn, and they might once again live in mutual goodwill and amity. They should not allow a third party to make a fool of them and have the upper hand. I for one do not admit that the government tried to bring the two communities into a clash and embitter their mutual relations. I do not think that a strong government can stoop so low as to make the various communities under it fight against each other and cut each other's throat. As I have said already these happenings may be a blessing for the future only if the Government learns to profit by its past errors and does not allow a repetition of the mistakes which have led to such fatal consequences both for the communities concerned and the Government. The Government should abstain from interfering in any way with the religious affairs of any community. In accordance with the Persian saying *بدين خود موسىٰ بدين خود* they should allow Muslims, Sikhs and

[Pir Akbar Ali.]

Hindus to move in their respective spheres in whatever way they like to move. They should make every effort to avert a clash between the communities on religious issues because such clashes, as we all have seen, result in most unpleasant happenings. I should like to tell those honourable members who have tried in their speeches to defend the Government that the Government is not so weak that it should stand in need of being defended by them. Some honourable members have tried to elucidate the legal aspect of this affair. They say that the legal position of the Sikhs is unimpeachable but morally they have erred. I do not propose to adjudicate upon the legal and moral position of the Sikhs. However, I am glad that some Sikh gentlemen did not hesitate to admit the above view of the Government that the attitude of the Sikhs was condemnable to a certain extent.

Sardar Sahib Sardar Ujjal Singh : I never said that.

Pir Akbar Ali : Who says that you said so ; you neither listen nor try to understand. I am not in the habit of accusing others and then answering counter-accusations.

Mr. President : Will the honourable member please speak to the motion ?

Pir Akbar Ali : I was referring to the mosque in question. I should like everyone here to remember that the mosque is held sacred by Mussalmans. If anybody interferes with their rights in this respect he will be giving rise to a quarrel and the responsibility of starting the friction will be on his shoulders. Nobody is prepared to submit to the dictation of other people in matters religious. You know that the Sikhs took out a big procession in Amritsar to urge their right to wear kirpans. Similarly, you cannot and should not as a matter of fact object to the Mussalmans bringing out processions in order to protest against the demolition of their mosque. The fact is that the Government has not so far proceeded to argue with the Mussalmans nor have they explained the constitutional aspect of the question to them. People know this much that the Government is generally moved to accept a demand if a number of people urge it vehemently enough. If the people erred they erred on account of the peculiar attitude of the Government. Why, then, be so harsh upon them ? It is past 6 o'clock now and I see that the honourable members are anxious to go. You also would like me to finish. Therefore, I will resume my seat after inviting the attention of the Government just to one point. An honourable member has characterised the restoration of Shah Chiragh mosque as a favour shown by the Government to the Mussalmans. He has said that the Government favours one community at the cost of another community. I will just explain to him that the Government has shown no special favour to the Mussalmans. You know that if a person steals my bullock and returns it after sometime after some pressure is put on him he will be doing me no favour. He should thank his stars if I do not demand compensation for the inconvenience which I had to experience on account of the theft of my bullock. Similarly, the Government had no business to convert a mosque into its sessions court. When better counsels prevailed if it restored the mosque to Mussalmans it only restored the thing which was long over due. Therefore, the question of favour does not arise. I hope the Government will calmly consider this

question and will try to find a reasonable solution of this knotty problem. I am not one of those who think that the Government is not sympathetic; I believe that the Government is quite sympathetic. It has always helped us in times of need and in fact after a very short time we ourselves will constitute the Government. What is required at this time is this that the Government should not let things take an ugly turn through its negligence. For instance, Government have committed a mistake by bringing forward a demand in the present form. Such a demand is likely to offend some people. It has certainly done so. The Government could ask for money in some other form, why offend people by bringing forward demands of this type? Such demands only create unpleasantness which it is the duty of every sane person to avoid. We have wasted our two precious days over this demand. And if we benefit by our errors after hearing all the speeches delivered in these two days, I think these two days will prove to be as valuable as two years. I want that all sections of this honourable House should unanimously reject the demand now before the House so that it may be impressed upon the Government once for all that it should not repeat such mistakes in future. I never say anything which I do not believe to be reasonable and if any of the honourable members present here will convince me that any portion of my speech was based on misunderstanding I shall certainly withdraw my remarks.

The Council, then, adjourned till 2-30 P.M. on Friday, 15th November, 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 15th November, 1935.

The Council met at the Council Chamber at 2-30 P.M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

MUNICIPAL COMMITTEE, LUDHIANA.

*5008. **Shrimati Lekhwati Jain** : (i) Will the Honourable Minister for Local Self-Government please lay on the table—

- (a) inspection note, dated the 27th May, 1935, by the officer-in-charge, Local Bodies, Ludhiana district, of Ludhiana municipal committee ;
- (b) forwarding note by the Deputy Commissioner, Ludhiana, on the above inspection note to the Commissioner, Jullundur division ;
- (c) letter No. 3399-D. C., dated the 13th July, 1935, from the Commissioner, Jullundur division, to the Deputy Commissioner, Ludhiana ;
- (d) resolution No. 792, dated the 26th August, 1935, passed by the Municipal Committee, Ludhiana, along with the President's letter No. 847-E.-D., dated the 24th August, 1935, to the Deputy Commissioner, Ludhiana ?

(ii) Will he please state—

- (a) what action the Commissioner, Jullundur division, took on resolution No. 792, dated the 26th August, 1935, and on what date the Deputy Commissioner, Ludhiana, informed the committee about the action taken on resolution No. 792, dated the 26th August, 1935 ;
- (b) why the letter mentioned in (ii) (a) was kept in the office of the Deputy Commissioner, Ludhiana, for such a long time ;
- (c) what action he contemplates to take after going through the papers mentioned in (i) ?

The Honourable Dr. Sir Gokul Chand Narang : (i) (a) to (d) Government do not consider it in the public interest to lay the papers on the table.

(ii) (a) and (b) The Commissioner issued certain instructions to the Deputy Commissioner with regard to the resolution passed by the committee, but these instructions were not passed on to the committee because the Deputy Commissioner wished to refer the matter back to the Commissioner. The Commissioner now proposes to dispose of the matter after personal discussion with the Deputy Commissioner at Ludhiana.

(c) None for the present.

REMISSION OF LAND REVENUE IN HOSHIARPUR DISTRICT.

***5009. Sardar Arjan Singh :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the *kharif* crops, 1935, have heavily suffered in the Hoshiarpur district on account of scarcity of rain ;
- (b) if so, whether the Government proposes to grant any remission in the land revenue dues of the said district ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

SIKHS IN INDUSTRIES DEPARTMENT.

***5010. Sardar Arjan Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that there is inadequate representation of the Sikhs in the Industries Department ;
- (b) if answer to part (a) is in the affirmative, what steps the Government propose to take to give due share to the Sikhs in the services of this department ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Sikhs hold approximately 9 per cent. of the appointments in the Industries Department. Whether this representation is or is not adequate, is a matter of opinion.

(b) The policy of Government was stated by the Honourable Finance Member in a debate in the Punjab Legislative Council on the 19th of 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.

SIKHS IN EDUCATION DEPARTMENT.

***5011. Sardar Arjan Singh :** Will the Honourable Minister for Education please state—

- (a) whether he is aware that the Sikh press has been ventilating the grievances of the Sikhs in regard to their inadequate representation in the Education Department ;
- (b) whether any resolutions have been submitted to the Government on the above subject ;
- (c) if so, what action the Government has taken or proposes to take in the matter ?

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 the Government continue to carry out the requirements of the formula contained in the said statement of policy.

PUNJAB CO-OPERATIVE UNION.

***5012. Sardar Arjan Singh :** Will the Honourable Minister for Agriculture kindly state—

- (a) the functions of the Punjab Co-operative Union, Ltd., Lahore ;
- (b) the number of members of the Union communitywise ;
- (c) whether he is aware that there is a feeling of dissatisfaction amongst the non-Muslims with regard to the personnel of the Union inasmuch as the non-Muslims are practically unrepresented on it ;
- (d) whether under the present system of election there is any scope for a member of a non-Muslim community to get elected to the Union ;
- (e) if not, what steps the Government propose to take to secure adequate representation of the non-Muslims ;
- (f) whether Government propose to introduce the system of a single transferrable vote ?

The Honourable Sardar Sir Jogendra Singh : (a) The functions of the Punjab Co-operative Union are briefly :

- (1) Audit of all co-operative societies in the province.
- (2) Supervision of co-operative societies in the province.
- (3) Training of co-operators and co-operative staff.
- (4) General propaganda, and promotion of the interests of co-operators and their societies.

(b) The total membership of the Co-operative Union is 199. As the members are—

- (a) co-operative banks and societies which are not classified communally, and
 - (b) a limited number of officials of the Co-operative Department *ex-officio* ; the number cannot be given by communities.
- (c) Dissatisfaction has been expressed by non-Muslims, but it is incorrect to say that non-Muslims are practically unrepresented, there being 12 non-Muslim representatives (in addition to the Registrar, Co-operative Societies) as against 19 Muslims.
- (d) The figures given under (c) above show that it is evidently possible for a non-Muslim to secure election.

(e) and (f) The Union is a self-governing co-operative body and Government has no direct power to introduce any changes. It has, however, drawn the attention of the Union to the demand from non-Muslims for a change in the system of election. The present question will similarly be brought to the Union's notice.

MUSLIM DOGAR ZAMINDARS OF ROHTAK.

***5013. Chaudhri Afzal Haq :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Muslim Dogar zamindars of Rohtak district are not treated as statutory agriculturists ;

[Ch. Afzal Haq.]

- (b) whether the Muslim Dogars of all other districts are classed as statutory agriculturists ;
- (c) what Government intends to do in the matter ?

The Honourable Nawab Muzaffar Khan : The honourable member is referred to the reply given to his previous question No. *3470¹ asked on the 28th June 1934. Government is not prepared to distinguish between Muslim Dogars and Dogars of other religions.

MEDICAL SCHOOL, AMRITSAR.

***5014. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) why the Muslim students of the Medical School, Amritsar, have resigned from the Students' Union of the School ;
- (b) why the non-science students were refused admission to the Medical School, Amritsar, this year when there is no such rule in the prospectus of the School ?

The Honourable Malik Sir Firoz Khan Noon : (a) Government are not aware that the Muslim students have resigned from the Students' Union. They are informed that the Muslim students are still members of that Union.

(b) It is provided in paragraph 6 of section II—" Admission " of the prospectus of the Medical School, Amritsar, for the year 1935-36, that for the purposes of admission to the School preference will be given to those who passed in Physics and Chemistry in the Matriculation or any higher examination. Students who possessed these qualifications were, therefore, given preference over those who were without them.

SUPPLY OF MEAT TO PATIENTS IN CIVIL HOSPITAL, AMRITSAR.

***5015. Chaudhri Afzal Haq :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it has been brought to the notice of the Government that recently *jhatka* meat was supplied to the patients in the Civil Hospital, Amritsar, and the Muslim patients refused to take their meals ;
- (b) what steps were taken by the hospital authorities to redress the grievance of the Muslims in this respect ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) Yes. The facts are as follows :—

Before June, 1935, the only meat issued in the hospital was that which was given under a special order of the visiting doctor for special cases, e. g., Diabetes. The meat under question was not cooked in the hospital kitchen. It was cooked somewhere by a woman friend of a patient and two Muslim patients

The Honourable Sardar Sir Jogendra Singh : (a) and (b) Officers of the Agricultural Department may be divided into three classes according to the nature of work on which they are employed. These classes are :—

- (a) teaching in the Punjab Agricultural College, Lyallpur ;
- (b) research work ;
- (c) district, demonstration and propaganda.

As regards the first two classes, the officers are not normally transferred. They expect indeed to spend the whole of their service where they are first posted. Statement No. I attached gives a list of the officers in these two classes who have been stationed at Lyallpur or elsewhere for more than five years. Statement No. II contains a list of officers employed on district work who have been stationed at their present headquarters for more than five years. It may be noted that in some cases service at these stations has not been absolutely continuous. Thus Khan Bahadur Maulvi Fateh-un-Din was posted originally as Deputy Director of Agriculture, Jullundur, on the 13th January, 1928, but during the six years seven months which have elapsed meantime, he was transferred to Lahore for a period of six months to officiate in another post returning to the same headquarters on the conclusion of that officiating service. Similarly Q. Samiullah officiated as Deputy Director of Agriculture, Rawalpindi, for a short period and returned to Sargodha, and M. Ijaz Ahmad spent one year and eight months at Gujranwala in the middle of the period that he is shown in the statement as having spent at Gurdaspur.

(c) It is not intended to transfer officers of the teaching and research sections, whilst officers engaged on district work will be transferred from time to time according to the needs of the public service.

STATEMENT I.

Showing officers employed on teaching and research work who have been stationed at Lyallpur or elsewhere for more than five years.

Serial No.	Name of Officer.	Designation.	Present station.	Period of stay at that station.
1	Dr. P. E. Lander ..	Agricultural Chemist to Government, Punjab.	Lyallpur ..	15 years.
2	Mr. M. Afzal Husain ..	Entomologist to Government, Punjab.	Do. ..	14 years, 6 months.
3	Rai Sahib Lala Jai Chand Luthra.	Professor of Botany ..	Do. ..	22 years, 6 months.
4	S. Labh Singh ..	Officiating Professor of Agriculture.	Do. ..	15 years, 1 month.
5	M. Amanat Khan ..	Officiating Associate Professor of Agriculture.	Do. ..	9 years, 3 months.
6	Sardar Bahadur Sardar Jagat Singh.	Assistant Professor of Chemistry.	Do. ..	25 years, 6 months.

	Name of Officer.	Designation.	Present station.	Period of stay at that station.
7	P. J. S. Guleri ..	Assistant Professor of Agriculture Economics.	Lyallpur ..	18 years, 1 month.
8	Chaudhri Sardar Muhammad.	Assistant Professor of Chemistry.	Do. ..	18 years.
9	Lala Chuni Lal ..	Assistant Professor of Botany.	Do. ..	18 years.
10	B. Balmokand ..	Assistant Professor of Mathematics and Physics.	Do. ..	20 years, 3 months.
11	Mr. A. Das Gupta ..	Assistant Professor of English.	Do. ..	13 years, 3 months.
12	Chaudhri Karam Rasul ..	Officiating Assistant Professor of Agriculture.	Do. ..	6 years, 5 months.
13	Mr. Khan A. Rahman ..	Assistant Professor of Entomology.	Do. ..	8 years, 5 months.
14	Chaudhri Ram Dhan Singh.	Cerealist ..	Do. ..	10 years, 3 months.
15	S. Lal Singh ..	Fruit Specialist ..	Do. ..	9 years, 3 months.
16	Dr. Dalip Singh ..	II Agricultural Chemist	Do. ..	9 years, 3 months.
17	Khan Sahib Chaudhri Ali Muhammad.	Oil seed Botanist ..	Do. ..	14 years, 6 months.
18	Dr. Ramji Narain ..	Assistant Agricultural Chemist.	Do. ..	16 years, 7 months.
19	Dr. R. L. Chopra ..	Assistant Entomologist ..	Do. ..	10 years, 3 months.
20	M. Sardar Khan ..	Officiating Assistant Cerealist.	Kala Shah Kaku.	6 years, 4 months.
21	M. Ghias-ud-Din Ahmad	Officiating Assistant Physiologist.	Lyallpur ..	8 years, 7 months.
22	Lala Lakhshmi Chander Suri.	Workshop Superintendent	Do. ..	9 years, 1 month.
23	Mr. F. B. Harrop ..	Poultry Expert ..	Gurdaspur	8 years, 10 months.

APPOINTMENT TO VETERINARY SERVICE.

*5019. **Sardar Jawahar Singh Dhillon** : With reference to his reply on 28th February, 1935, to question No. *4089¹ will the Honourable Minister for Agriculture be pleased to state—

(a) whether the promotion in question given as a temporary measure and without considering the claims of seniors has been reversed ;

(b) if not, whether he intends to take steps to reverse it now ?

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

(b) No ; but in filling a permanent vacancy claims of seniors will be considered.

SIKHS IN BUILDINGS AND ROADS AND HYDRO-ELECTRIC BRANCHES.

***5020. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the percentage of Sikhs and their emoluments separately in the Buildings and Roads and Hydro-Electric Branches of the Public Works Department Secretariat ;
- (b) what steps he proposes to take to increase the representation of Sikhs with a view to bring it in accord with the policy stated by the Governor in Council on the 19th July, 1927 ?

The Honourable Sardar Sir Jogendra Singh : (a) The percentage of Sikhs and their emoluments in the Buildings and Roads Secretariat is as follows :—

Percentage of Sikhs . . . . .	.. .. .	6.52
Emoluments of Sikhs, Rs. . . . .	.. .. .	474
Percentage of emoluments . . . . .	.. .. .	5.00

There is no separate Secretariat for the Electricity Branch.

(b) The policy of Government was stated by the Honourable Finance Member in a debate in the Legislative Council on 19th July, 1927. That is still the policy in accordance with which action is taken from time to time as the necessity for recruitment, or retrenchment, arises, but Government will in future recruitment keep the desirability of recruiting Sikhs in view.

CONSTRUCTION OF DRAINAGE AND PAVEMENTS IN MOHALLA MUHAMMADPURA, JULLUNDUR CITY.

***5021. Maulvi Mazhar Ali Azhar :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that a certain sum has been apportioned by the Municipal Committee, Jullundur City, for the construction of drainage and pavements in Mohalla Muhammadpura, Jullundur City ;
- (b) whether it is a fact that the municipal committee applied to the Commissioner of the division and the Superintending Engineer of the Public Health Circle, Lahore, a year ago for the approval and sanction of the scheme ;
- (c) if replies to (a) and (b) be in the affirmative, why the case is being delayed so long and whether anything has been done in the matter ?

The Honourable Dr. Sir Gokul Chand Narang : (a) No. Towards the end of the year 1933 the Committee prepared plans and estimates amounting to Rs. 69,660 for the extension of subsidiary drainage scheme in which Mohalla Muhammadpura was also included.

(b) and (c) More than a year ago, the Committee submitted the scheme for the administrative approval and technical sanction of the authorities.

concerned. About the same time the Committee applied for a grant-in-aid equal to 50 per cent. of the total cost of the scheme, but the application was rejected by the Sanitary Board for want of funds, first in December, 1934, and again in September, 1935. The Board, however, has promised to consider the matter later when funds become available.

UNAUTHORISED PROJECTION IN MOHALLA MALI GANJ, LUDHIANA.

***5022. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government very kindly state—

- (a) whether it is a fact that one Lala Nand Lal built a projection on his house in Mohalla Mali Ganj, Ludhiana, which was ordered by the Executive Officer of the Municipal Committee, Ludhiana, to be demolished, as it was an unauthorised projection ;
- (b) whether it is a fact that the Committee served Lala Nand Lal with notices under sections 172, 195 and 220 of the Punjab Municipal Act and that Lala Nand Lal filed a civil suit in a law court for injunction restraining the Committee from demolishing the said projection ;
- (c) whether it is a fact that the said Lala Nand Lal gave a certain statement before the Executive Officer and the President relating to the *ex-Secretary*, Khalifa Kamal-ud-Din ;
- (d) whether it is a fact that the President wrote a letter to the Deputy Commissioner in this connection ;
- (e) if replies to (c) and (d) are in the affirmative, whether he will lay on the table of the Council the documents mentioned therein ;
- (f) what action the Government proposes to take in this matter ?

The Honourable Dr. Sir Gokul Chand Narang : (a), (b), (c) and (d) Yes.

(e) The necessary documents are laid on the table.

(f) None ; as the committee has already removed Khalifa Kamal-ud-Din from its service.

Copy of a demi-official letter No. 872-E.D., dated the 2nd of September, 1935, from the President, Municipal Committee, Ludhiana, to the Deputy Commissioner, Ludhiana.

Lala Nand Lal, Proprietor, Kailash Soda Water Factory and Hotel, Ludhiana, applied to me on 23rd August, 1935, for payment to him out of the provident fund moneys due to *ex-Secretary*, Khalifa Kamal-ud-Din, of Rs. 100 due from him to Lala Nand Lal, on account of *kuandi* and receipt executed by the *ex-Secretary* in October, 1933. He produced the receipt duly stamped and signed by the *ex-Secretary*, along with his application. I knew that there had been litigation between Lala Nand Lal and the Committee since 1933 ; and the fact that during this period there had been some money transaction between him and the *ex-Secretary* roused my suspicions and induced me to make further inquiry into the matter. I sent for Lala Nand Lal, and recorded his statement, of which the translation in English is submitted herewith.

This statement, by itself, throws ample light on the *ex-Secretary's* integrity, and his loyalty to the Committee. The inquiry may, I am afraid, lead to disclosures still more serious. The municipal files relating to Lala Nand Lal's application of 1931 for permission to build his house and *barhao*, as well as the municipal despatch register for 1931 are missing from the municipal record room. The proceedings book of the buildings sub-committee exists, and furnishes evidence that these applications were made and disposed of in 1931.

Mr. Dadashi, our Legal Advisor, who is defending the Committee in the civil suit, points out certain circumstances, supported by the municipal file, showing that the disappearance of the files and register for 1931 could be, not by accident, but by design.

I am making inquiries, and I am afraid some other employees may also be involved.

[Hon. Dr. Sir Gokul Chand Narang.]

Statement of Lala Nand Lal, son of Lala Kirpa Ram, Proprietor, Karish Soda Water Factory and Hotel, Ludhiana.

(Translated from Urdu).

The application, dated 23rd August, 1935, Ext. P/1, was given by me. The receipt in English, Ext. P/2, which is attached to the application, Ext. P/1, was written by Khalifa Kamal-ud-Din, formerly Secretary to the committee. This receipt was written in my presence on 20th October, 1933, in the Secretary's office. He signed the receipt at two places in my presence. This receipt was in respect of a *hundi*, dated the 20th October, 1933, for Rs. 100. I had paid Rs. 100 on account of this *hundi* to Khalifa Sahib in his office. I have not received back this amount as yet. Probably in May, 1933, I filed a civil suit against the Committee in the court of Mr. Joshua, Additional Sub-Judge. The Committee gave me notices under sections 195, 172 and 220 requiring me to demolish the *barhao* of my house in Maligunj. My suit was for grant of permanent injunction against these notices. Ext. P/3 is the copy of my plaint, which was sent to the Committee through the Court, and bears my signature. This suit was dismissed on 22nd February, 1934, for my non-appearance in court. The marriage of my niece was being celebrated in those days, and I was busy. That day, i.e., 22nd February, 1934, Khalifa Kamal-ud-Din also came to my house to attend the ceremony in the evening. He told me that my suit had been dismissed for default and that I should apply for re-trial of the suit. I said that I was busy those days, and that I had one month's limitation period, and that I would apply as soon as I was free. He said to me in reply that Chatter Singh had reported that day that the *barhao* should be demolished and nobody should be informed about it; that the Executive Officer ordered him and Overseer to demolish the *barhao* that very day; that he (Khalifa Kamal-ud-Din) had made such a report that I would obtain time to apply for re-hearing of the suit but that the Executive Officer had ordered the Overseer to pull down the *barhao* forthwith. On getting this information, I made the application the very next day, i.e., on 23rd February, 1934, and my suit was restored.

I gave the English application, dated 17th July, 1933, Ext. P/4, to the Committee. In 1931 I applied to the Committee to erect my house and *barhao*. The permission to build the house was granted, but the permission to build the *barhao* was refused. I have not with me at this moment the Committee's orders on my application. I will make a search, and, if found, I would produce them. In the beginning of this month, Khalifa Kamal-ud-Din came to my house to take measurements of my *barhao* and the street. On the day before, he came to my shop and told me that if I returned to him his receipt for the money and paid him Rs. 125 more, he would go to the spot the next day and make a report in my favour. I told him that if he had my work done, I would return him the receipt for Rs. 100, but could not pay more, because I had already spent a lot on the case, and could not afford more.

24th August, 1935.

(Sd.) M. EUSOOF.

I have heard and read my above statement, and is quite correct.

24th August 1935.

(Sd.) NAND LAL, *ba-galam khud*.

Note.—I have asked Lala Nand Lal to produce the Committee's orders and plans received by him from the municipal office.

24th August, 1935.

(Sd.) M. EUSOOF.

REDUCTION IN WATER RATES.

*5023. **Pir Akbar Ali:** Will the Honourable Revenue Member kindly state—

- (i) (a) whether it is a fact that on the inundation canals (for instance, the Eastern Canal, Ferozepore district), sugarcane crop is sown before the canals begin to flow by the help of well water and is harvested long after water has ceased to flow in the inundation canals and thus this crop chiefly depends upon well water; (b) if so, whether he proposes to reduce water rates on sugarcane crop on the inundation canals;
- (ii) (a) whether it is a fact that the Eastern Canal (S. V. P.) ceases to flow by about the 15th October every year, and the *rabi* crops do not get any water after *roni* (first watering);
- (b) if so, whether he proposes to make (i) suitable reduction in water rates of *rabi* crops sown on these canals, (ii) arrangement

for water to flow on 15th March and close on 1st November in these canals ;

- (iii) (a) whether it is a fact regarding *wadh wattar* on these canals that (i) a crop sown after 20 days after closure is not liable to pay any *abiana* (water rate) but a crop sown within 20 days after closure of water is liable to pay water rates, (ii) the *patwari* is the chief authority to determine whether the crop was sown within 20 days or after 20 days ;

(b) if so, whether he proposes to take any action in the matter ?

The Honourable Nawab Muzaffar Khan : (i) (a) and (b) The rate for sugarcane on the non-perennial channels is already lower, namely Rs. 9 per acre against Rs. 11 on the perennial channels on account of the help of well water required on the former to mature the crop.

(ii) (a) Yes.

(b) (i) The water rates for all the *rabi* crops on the non-perennial channels are already lower than those levied on the perennial channels.

(ii) No.

(iii) (a) (i) Yes.

(ii) No. The *zilladar* and the deputy collector are required to check the whole of the *wadh wattar* area entered by the *patwari*.

(b) Does not arise.

RULES UNDER SECTION 61, CIVIL PROCEDURE CODE.

***5024. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Revenue Member kindly state—

- (a) whether the Local Government has framed any rules under section 61 of the Civil Procedure Code ;
- (b) if the answer to (a) be in the affirmative, the date and number of the notification under which these rules were published in the *Punjab Government Gazette* ;
- (c) if the answer to (a) be in the negative, whether the Local Government has any intention to proceed to frame these rules now ;
- (d) whether any class of agricultural produce or any portion of such produce is exempt from attachment for the recovery of an arrear of land revenue ;
- (e) if the answer to (d) be in the affirmative, what is the extent of exemption ;
- (f) if the answer to (d) be in the affirmative and the answer to (a) in the negative, whether there are any grounds other than mere oversight for failure to frame these rules

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

(c) The honourable member is referred to the reply given to his question No. *2985.¹

(d) and (e) Yes. Attention is invited to the proviso to sub-section (2) of section 70 of the Punjab Land Revenue Act, 1887.

(f) As in (e) above.

VISITS BY DEPUTY DIRECTOR OF AGRICULTURE.

***5025. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Agriculture kindly state the names of places more than five miles away from a motorable road visited by the Deputy Directors of Agriculture in the various circles during 1933-34 and 1934-35 ?

The Honourable Sardar Sir Jogendra Singh : Without a definition of the term "motorable road", it is impossible to frame precise reply to the question. A list¹ of all villages visited by Deputy Directors of Agriculture during the last 2 years is however laid on the table.

VISITS OF DISTRICT MEDICAL OFFICER OF HEALTH.

***5026. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state the names of places more than five miles away from a metalled road, an unmetalled road or a canal bank road visited by the various District Medical Officers of Health during 1933-34 and 1934-35 ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

REVISION OF WARDS, LUDHIANA MUNICIPALITY.

***5027. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly—

(a) lay on the table—

(i) letter No. 6624-L.J.C., dated the 19th August, 1935, from Sardar Sahib Bawa Nanak Singh, Officiating Deputy Commissioner, Ludhiana, and letter No. 7910-L.J.C., dated the 30th September, 1935, to the Executive Officer, Municipal Committee, Ludhiana, in connection with the revision of the wards of Ludhiana Municipality ;

(ii) resolution No. 1047, dated the 24th September, 1935, and No. 1089, dated the 12th October, 1935, passed by the Municipal Committee, Ludhiana, regarding the revision of the existing wards ;

(b) state what action the Government contemplates to take in this matter ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Copies of the required documents are laid on the table ;

(b) Government has called for a further report in the matter.

Copy of letter No. 6624-L.F.C., dated the 19th of August, 1935, from Sardar Sahib Bawa Nanak Singh, M.A., P.C.S., Officiating Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana.

SUBJECT :—Revision of Wards of the Ludhiana Municipality.

YOUR letter No. 309/E.D., dated the 8th of August 1935.

It is very much regretted that the information called for cannot be furnished at this stage, i.e. before the Punjab Government have published the proposals for objections in the Local Gazette.

¹Placed in the library.

Copy of letter No. 7910/L.F.C., dated the 30th of September, 1935, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana.

SUBJECT :—Revision of Wards of the Ludhiana Municipality.

YOUR letter No. 946/E.D., dated the 17th of September, 1935.

I invite your attention to paragraph 1 of this office memo. No. 5917/L.F.C., dated the 29th of July 1935, and say that the lists prepared by the Tahsildar were not voters lists in the strict sense of the word. They were just rough lists prepared for estimating the number of voters in each ward for adjusting the disparity of the number of voters in various wards. These lists cannot, therefore, be supplied.

The voting strength of each of the proposed wards, as estimated by the Tahsildar and communicated to the higher authorities is, however, given below along with the figures of voting strength in the existing wards according to the voters lists prepared in 1932 and also the number of voters as estimated by the Tahsildar in the existing wards.

MUSLIMS.

EXISTING.			PROPOSED.	
Name and number of existing ward.	Voting strength in existing wards according to the lists prepared in 1932.	Voting strength in existing wards according to lists prepared in 1935.	Name and number of the proposed ward.	Voting strength.
1. Chhawni ..	947	1,010	1. Chhawni ..	1,096
2. Murray Ganj ..	648	853	2. Daresi ..	1,118
3. Bandian ..	394	640	3. Sayadan ..	1,093
4. Sayadan ..	700	992	4. Ganji Chapri ..	1,160
5. Hazuri ..	752	1,089	5. Mahmudpura ..	1,157
6. Mullan Shakur ..	633	461	6. Gurj Mongli ..	1,012
7. Lakar Bazar ..	414	467	7. Railway Station ..	1,106
8. New Mohalla ..	1,416	1,566	8. New Mohalla ..	1,149
9. Mochpura ..	1,145	1,763	9. Rari ..	1,111
10. Dholewal ..	1,092	1,559	10. Dholewal ..	1,120
11. Tahsil ..	707	1,236	11. Jail ..	1,040
12. Wakefield Ganj ..	1,043	1,109	12. Millerganj ..	1,015
Civil Lines ..	..	350		
Millerganj ..	..	82		

[Hon. Dr. Sir Gokul Chand Narang.]

EXISTING.			PROPOSED.	
Name and number of existing ward.	Voting strength in existing wards according to the lists prepared in 1932.	Voting strength in existing wards according to lists prepared in 1935.	Name and number of the proposed ward.	Voting strength.
NON-MUSLIMS EXCLUDING SIKHS.				
1. Daresi ..	1,578	1,908	1. Arya School ..	1,248
2. Naughara ..	1,193	1,664	2. Bazar Pansarian ..	1,248
3. Hazuri ..	1,227	1,409	3. Purana Bazar ..	1,240
4. Iqbal Ganj ..	650	836	4. Wait Ganj ..	1,285
5. Dholewal ..	223	261	5. Jail ..	1,271
6. Wakefield Ganj ..	393	646	6. Santor Nathi Ram ..	1,261
7. Qaisar Ganj ..	973	1,500	7. Railway Station ..	1,259
8. Mandi ..	1,295	1,433	8. Millerganj ..	1,264
Civil Lines ..	..	308	..	..
Millerganj ..	..	109	..	..

Copy of resolution No. 1047, dated the 24th of September, 1935, passed at an Adjourned Ordinary Meeting of the Ludhiana Municipal Committee.

1047. Letter no. 6624, dated 19th August, 1935, from the Deputy Commissioner, Ludhiana, in reply to letter No. 809, dated 8th August, 1935, regarding voters' lists mohalla-wise for Hindu and Muslim wards saying that he regrets that the information cannot be supplied so long as the proposal is not advertised for objections by the local Government.

Proposal of Haji Khwaja Muhammad Azam seconded by L. Tilak Ram, that the Deputy Commissioner be requested to send the copy of the plan and the list of voters ward-wise to the municipal office for the members and the public to see and submit their objections till 25th October, 1935, as without them the Committee and the public cannot submit any objections. The papers be sent early.

Agreed to unanimously.

Copy of resolution No. 1089, passed at an Urgent Ordinary Meeting of the Ludhiana Municipal Committee, held on 12th October 1935, in the Town Hall.

1089. Proposal of Haji Khwaja Muhammad Azam seconded by Mian Muhammad Abdullah and Lala Tilak Ram that new wards have been notified in Punjab Government notification no. 30009, dated 11th September 1935, a copy of which has been received to-day from the office of the Deputy Commissioner, Ludhiana. As per this notification objections have to be filed till 25th of October 1935. The Deputy Commissioner, Ludhiana, has not so far supplied information on the basis of which objections have to be filed in spite of regular correspondence with him on the subject. The matter is of great importance and should be taken up in to-day's meeting before the commencement of the agenda.

Carried by majority that this item be taken up to-day before the commencement of the Agenda.

Subsequently the following proposal was put up before the house :—

Proposal of Lala Tilak Ram seconded by Pandit Muni Lal Kalia and Haji Khwaja Muhammad Azam that as per Punjab Government notification no. 30009, dated 11th September, 1935, the date for the submission of objections is 25th October 1935. The Deputy Commissioner was requested to send voters' lists and the plans but the Deputy Commissioner wrote back that the list could not be submitted before the proposed wards were advertised for public objections which meant that the information will be sent after notification of the proposed wards. On receipt of the notification the Committee by resolution no. 1047, dated 24th September, 1935, requested the Deputy Commissioner to send the voters' lists mohalla-wise and the plan in connection therewith. But the Deputy Commissioner did not supply the rough lists which were prepared at the expense of the Committee under orders of the Deputy Commissioner, Ludhiana. The Committee, therefore, authorises the President to bring this matter to the notice of the Honourable Minister for Local Self-Government by means of a telegram so that the Committee may be supplied with the required rough list of voters mohalla-wise prepared at the expense of the Committee under orders of the Deputy Commissioner. A copy of all correspondence on the subject be sent along with this resolution. As this will take time, the time limit for objections may kindly be extended, to enable the Committee to record its opinion.

Resolved by a majority of votes 10 for and 2 against that the proposal is agreed to.
Dissented to by Mr. Sarb Krishan and Mian Raushan Din.

TENTS TO ZILLADAR.

***5028. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that naib-tahsildars get tents at Government cost and are allowed conveyance allowance in addition to the fixed travelling allowance, while zilladars are paid no conveyance allowance in addition to the fixed travelling allowance and do not get tents at Government cost ;
- (b) if the answer to above be in the affirmative, the reasons for not allowing a Government tent and any conveyance allowance to a zilladar in addition to the fixed travelling allowance which covers his daily travelling allowance and the cost of the maintenance of two horses ?

The Honourable Nawab Muzaffar Khan : (a) No : naib-tahsildars are provided with tents, but not with conveyance allowance in addition to fixed travelling allowance.

(b) It is considered that the provision of tents to zilladars is unnecessary because other accommodation is available.

ALLOWANCE TO ZILLADARS.

***5029. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that every zilladar has to maintain a riding horse and a pack horse ;
- (b) whether a zilladar gets only Rs. 97-8-0 per mensem as his fixed travelling allowance which includes the daily allowance and the cost of maintenance of two horses ;
- (c) whether a naib-tahsildar is required to maintain only one horse ;
- (d) whether a naib-tahsildar is paid Rs. 90 per mensem as his fixed travelling allowance ;

[Mian Nurullah.]

- (e) whether a naib-tahsildar is paid a separate conveyance allowance in addition to his fixed travelling allowance ;
- (f) the reasons for not treating a zilladar on the same footing as regards fixed travelling allowance and conveyance allowance as a tahsildar ;
- (g) what action Government proposes to take in the matter ?

The Honourable Nawab Muzaffar Khan : (a), (b), (c) and (d)

Yes.

- (e) No.
- (f) Does not arise : presumably the honourable member refers to naib-tahsildars, not tahsildars.
- (g) Does not arise.

FODDER AND VEGETABLES, ETC., GROWN IN GOVERNMENT REST HOUSES.

***5030. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether fodder and vegetable, etc., grown by Government servants in Government Rest Houses of the Irrigation Branch are charged land revenue and water-rate, etc. ;
- (b) whether Government have laid any instructions regarding the above, if so, whether Government is prepared to lay them on the table ?

The Honourable Nawab Muzaffar Khan : (a) Water rates are charged, but no land revenue is leviable.

(b) Does not arise so far as water rates are concerned. For land revenue the honourable member is referred to paragraphs 80 and 81 of the Financial Commissioner's Standing Order No. 28.

GROWING OF VEGETABLES, ETC., IN GOVERNMENT RESIDENCES.

***5031. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that Irrigation officers are allowed to attach three acres of area with their residence for growing vegetables and fodder, etc., for their private use ;
- (b) whether canal overseers and zilladars are allowed any land with their residences provided by the Government ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Officers are required to maintain properly an area up to 3 acres of the land attached to their residential quarters.

(b) The honourable member is referred to the replies given to his question No. *4788.¹

PUNKHA COOLIES TO ZILLADARS AND OVERSEERS.

***5032. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether zilladars and overseers are not allowed any *punkha* coolies ;
- (b) whether clerks and munshis of the Irrigation Branch are allowed *punkha* coolies ;
- (c) whether naib-tahsildars are also allowed *punkha* coolies ;
- (d) the reasons for not allowing *punkha* coolies to zilladars and overseers ?

The Honourable Nawab Muzaffar Khan : The honourable member is referred to the answers given to question No. *4787.¹

SUPPLY OF WATER FROM ZAMINDARI OUTLETS.

***5033. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether Government allows the use of water to brick kilns, and factories and for the purpose of watering road-side trees, etc., from the zamindari outlets ;
- (b) whether such area is not accounted for in fixing the size of the outlets ;
- (c) if so, why the Irrigation Department compels the zamindars to allow the use of water for the purpose of watering road-side trees, etc., without increasing the size of the outlet in view of the additional area ;
- (d) whether the size of the outlet is fixed according to the allotted area ;
- (e) whether zamindars suffer loss when such water is allowed while Government gets the payment for such miscellaneous use ;
- (f) why such water is allowed without paying any regard to the additional area and increasing the size of the outlet and what action Government contemplates taking in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes, so long as the amount of water used is inappreciable and can be spread without detriment to crop irrigation.

(b) If the demand for these miscellaneous purposes were appreciable or interfered with crop irrigation supplies a separate supply for this purpose is given either by the grant of a separate outlet or an increase in an existing outlet.

(c) Does not arise.

(d) The size of an outlet during only crop irrigation is fixed on the allotted area.

(e) Government has no reason to believe that the present practice causes loss to zamindars or is unduly favourable to Government.

¹Page 438 ante.

[Hon. Nawab Muzaffar Khan.]

(f) The general policy of Government is to allow water used from a zamindari watercourse for miscellaneous purposes (filling village tanks, *kacha* brick making, and *pisa* work) by zamindars themselves free of charge.

Supplies of water for watering road-side trees, factory tanks, or other commercial undertakings such as brick burning on a large scale are charged for, and the water for the purpose if an appreciable amount is involved is supplied from a source other than the zamindar's watercourse.

PRELIMINARY WATERING.

***5034. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that under rule 22 of the Canal and Drainage Act charges are to be levied for preliminary watering when no crop is sown ;
- (b) whether in practice no charges are levied on such fields during the time they are watered while charges are levied during the period of the next crop if the field has remained unsown for the previous crop ; if so, why the rule has not been so amended ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. The present practice is in accordance with rule 22 in which there is nothing to show that the reference is to the same crop only.

DISTRIBUTION OF PARCHAS.

***5035. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that distribution of *parchas* regarding demand statement has recently been entrusted to the village lambardars in place of the canal patwaris ;
- (b) if so, the reason why rule 69 of the Canal Act which requires the canal patwari to perform this duty, has not been amended so far ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The system of distribution of *parchas* by lambardars is still under trial.

GREEN MANURING.

***5036. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) the rules for concession regarding green manuring ;
- (b) whether the patwari is required to prepare a *fard* of all such fields and forward it to the zilladar before the 15th September each year ;

- (c) whether it is a fact that letter No. 4074-Rev., dated 27th March, 1935, of the Chief Engineer, lays down that "as soon as the crop sown for green manuring is ploughed the patwari will intimate the fact to the zilladar with the date of ploughing in each case";
- (d) how the patwari is to know about this fact immediately;
- (e) whether it is a fact that in some cases a patwari cannot visit villages in his charge before the lapse of a month in each case;
- (f) whether the zamindar has to inform the patwari as soon as he ploughs such fields; if not, why not, and the manner whereby the fact can come to the knowledge of the patwari soon after ploughing in the present circumstances;
- (g) whether Government proposes to amend the instructions regarding green manuring in the light of the above in the interest of the zamindars; if not, why not?

The Honourable Nawab Muzaffar Khan: (a) A copy of the Irrigation Branch letter no. 4074-Rev., dated 27th March, 1935, on the subject along with copies of notifications mentioned therein is placed on the table.

(b) Yes.

(c) Yes.

(d) The obvious intention of the rule is that the patwari should report such fields as soon as possible at latest on his next round of the village.

(e) Government has no such information.

(f) No. It is not considered desirable to put any responsibility on the cultivators in this respect. Further see reply to part (d) above.

(g) No. Government does not agree that any amendment is required in the present rules in the interests of the zamindars.

Copy of a letter no. 4074-Rev., dated 27th March, 1935, from the Secretary to Government, Punjab, Public Works Department, Irrigation Branch, to all Superintending Engineers, Irrigation Branch, Punjab (except Drainage Circle).

Subject:—RULES FOR WORKING THE GREEN MANURING CONCESSION.

With reference to Irrigation Branch notifications no. 906-R.I., dated 2nd May, 1929, no. 469-S.-Rev., dated 28th May, 1932, and no. 473-S.-Rev., dated 28th May 1932, I am directed by the Governor-in-Council to issue the following rule for working the green manuring concession:—

As soon as green manure is ploughed in a field, the patwari will make a suitable note in his *khasra* and intimate the fact to the zilladar, who will then within 14 days of the date of receiving such intimation, arrange to inspect the field and verify the patwari's note in the *khasra*. When inspecting the field the zilladar should scrape away the soil in several places to satisfy himself that the whole crop and not only the roots have been ploughed in. No remission will be given if only the roots are ploughed in after the crop has been cut.

2. I am to add that Deputy Collectors, Sub-Divisional Officers and Executive Engineers should make a point of checking some proportion of green manure remission during *partial* and in *khasra airtal*.

[Hon. Nawab Muzaffar Khan.]

Public Works Department, Irrigation Branch.

Dated Lahore, the 2nd May 1929.

NOTIFICATION.

No. 906-R.I.—In exercise of the powers conferred by section 75 of the Northern India Canal and Drainage Act (Act VIII of 1873 as amended by Act XVI of 1899 and Act IV of 1914) the Governor in Council is pleased to make, with effect from 1st March 1926, the following amendments in the Schedule of Occupiers' Rates, applicable to the Western Jumna, Sirhind, Upper Bari Doab, Lower Bari Doab, Upper Chenab, Lower Chenab, Upper Jhelum, Lower Jhelum, Pakpattan, Mailsi, Dipalpur and Eastern Canals, published with Punjab Irrigation Branch Notifications Nos. X-I-8-R.I., dated 3rd October 1924, and 1198-R.I. and 1201-R.I., dated 9th November 1926 and 1833-R.I., and 1837-R.I., and 1841-R.I., dated 12th December 1927.

At the bottom of this Schedule insert a foot-note as below :—

“Hemp, indigo and *guara* ploughed in as green manure before 15th September are not assessed to water rates.”

J. B. G. SMITH,

*Secretary to Government, Punjab, Public Works
Department, Irrigation Branch.*

Public Works Department, Irrigation Branch.

Dated Simla, the 28th May 1932.

NOTIFICATION.

No. 469-S.-Rev.—In exercise of the powers conferred by Section 75 of the Northern India

<i>Canal.</i>	<i>Notification</i>	<i>Canal and Drainage Act (Act No. VIII of 1873 as amended by Act No. XVI of 1899 and Act No. IV of 1914) the Governor in Council is pleased to make, with effect from <i>kharij</i> 1932, the following amend- ment in the Schedule of Occupiers' Rates for irriga- tion on all lands watered by the marginally noted Canals, published with the Punjab Irrigation Branch notification noted against each canal :—</i>
1. Chenab Inundation Canals in the Multan district.	No. 1356-R.I., dated 16th November 1931.	
2. Indus Inundation Canals in the Dera Ghazi Khan district.	No. 0135-R.I., dated 9th July 1923.	
3. Muzaffargarh Canals— Chenab series Indus series	No. 052-R.I., dated 7th July 1903.	

tion on all lands watered by the marginally noted Canals, published with the Punjab Irrigation Branch notification noted against each canal :—

At the bottom of this schedule insert a second foot-note as below :—

“Hemp, indigo and *guara* ploughed in as green manure before 15th September are not assessed to water-rates.”

T. M. BOSTOCK,

*Secretary to Government, Punjab, Public Works
Department, Irrigation Branch.*

Public Works Department, Irrigation Branch.

Dated Simla, the 28th May 1932.

NOTIFICATION.

No. 473-S.-Rev.—In exercise of the powers conferred by Section 75 of the Northern India

<i>Canal.</i>	<i>Notification</i>	<i>Canal and Drainage Act (Act No. VIII of 1873 as amended by Act No. XVI of 1899 and Act No. IV of 1914) the Governor in Council is pleased to make, with effect from <i>kharij</i> 1932, the following amend- ment in the Schedule of Occupiers' Rates for irriga- tion on all lands watered by the marginally noted canals, published with the Punjab Irrigation Branch Notifica- tion noted against each canal :—</i>
Shahpur Inundation Canals ..	No. 01294-R.I., dated 6th October 1930.	
Ghaggar Inundation Canals ..	No. 0105-R.I., dated 12th June 1922.	

1932, the following amendment in the Schedule of Occupiers' Rates for irrigation on all lands watered by the marginally noted canals, published with the Punjab Irrigation Branch Notifica- tion noted against each canal :—

At the bottom of this Schedule insert a foot-note as below :—

“Hemp, indigo and *guara* ploughed in as green manure before 15th September are not assessed to water rates.”

T. M. BOSTOCK,

*Secretary to Government, Punjab, Public Works
Department, Irrigation Branch.*

USE OF CANAL WATER FOR MISCELLANEOUS PURPOSES.

***5037. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the use of canal water for miscellaneous purposes such as constructing a pacca house or burning bricks, etc. is prohibited under any provision of the Canal Act ;
- (b) whether a person using such water is bound under any law to seek permission before using such water ;
- (c) whether charges for such miscellaneous use can be recovered from the user as an arrear of land revenue unless both the user and the land owner have entered into an agreement ;
- (d) whether Government is prepared to provide in the rules a provision for such permission in each case ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Yes, if such use of canal water is without permission.

(b) Yes.

(c) No.

(d) No. Canal water is primarily intended for irrigation. Government considers it necessary that permission should be obtained for use of such water for any other purpose.

GRANT OF LEAVE TO LAMBARDARS AND ZAILDARS.

***5038. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that lambardars and zaildars are required to take leave of absence from their *ilaga* ;
- (b) who is empowered to grant such leave up to a month ;
- (c) whether the Irrigation Department which require the attendance of the lambardars at the time of final measurements of crops, etc., are consulted about the suitability of granting such leave, if not, whether Government is prepared to provide for such consultation now ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) and (c) Do not arise.

STOPPAGE OF SUPPLY IN WATERCOURSES.

***5039. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether rule 17 of the Canal Act lays down the conditions regarding the stoppage of supply in improperly maintained water-courses ;
- (b) whether such stoppage can be enforced in a case where a canal officer not lower than the rank of the sub-divisional canal officer has satisfied himself by personal inspection that the water-course is not in proper order ;
- (c) who are the canal officers lower in rank to the sub-divisional canal officer as mentioned in rule 17 of the Canal Act ?

The Honourable Nawab Muzaffar Khan : (a) and (b) Yes.

(c) Does not arise. Under the Canal Act as defined in Section 3, Clause-7, the Sub-Divisional Officer is the Canal officer of lowest rank.

CANAL OFFICERS.

***5040. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether zilladars and deputy collectors of the Irrigation Branch are defined as officers under the Canal or any other Act and have been as such entrusted with any powers for the performance of their duties ;
- (b) if so, whether Government is prepared to define the powers of these officers in the rules of the Canal Act or in the Land Revenue Act ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) Does not arise.

CUTS IN CANAL BANKS.

***5041. Mian Nurullah :** Will the Honourable Finance Member be pleased to state—

- (a) whether a few years back confidential instructions were issued by His Excellency the Governor to all Deputy Commissioners regarding cuts in canal banks ;
- (b) whether those instructions clearly laid down that cases of cuts in canal banks should always be tried by first class magistrates ;
- (c) whether the Government is aware that these instructions are not being carried out in many districts ;
- (d) what Government proposes to do in the matter ?

The Honourable Mr. D. J. Boyd : (a) Certain instructions of Government regarding the disposal of criminal cases affecting the working of the Punjab canals were circulated to Commissioners and district officers at the beginning of 1927.

(b) The instructions included a direction that the more serious cases should be tried by first class stipendiary magistrates.

(c) Government have no reason to believe that their instructions are not being carried out.

(d) No further action is contemplated at the present time.

RULE 25 OF CANAL ACT.

***5042. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that under rule 25 of the Canal Act four different seasonal crops are fixed for application of the rule ;

- (b) the four seasons and the names of the principal crops for each season ;
- (c) whether *toria* when it has failed to grow and has been ploughed up and is replaced by wheat crop within twenty days of its failure is treated as falling under the definition of rule 25 ; if not, why not ;
- (d) whether the Government is prepared to lay down definite procedure regarding the working of rule 25 as to the manner of reporting such cases and the inspection of such areas assigning the authority for final decision in such cases ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The names of the four seasons are:—*Kharif, zaid kharif, rabi, and zaid rabi*. The names of the principal crops in each season are given in Appendix F of the Revenue Manual.

(c) No. The attention of the honourable member is invited in this connection to the reply to part (d) of his question No. *2588³ of 1983.

(d) Detailed instructions on the subject are already laid down in Chief Engineer's letter No. 272-Rev., dated the 8th January 1984 (copy placed on the table).

Copy of a letter No. 272-Rev., dated the 8th January 1984, from A Murphy, Esq., O.B.E., Chief Engineer, Irrigation Works, Punjab, to all Superintending Engineers, Irrigation Branch, Punjab (except Derajat and Drainage Circles):

Subject:—REMISSEMENTS ON CROPS.

I HAVE the honour to state that a Council question was put in the last session of the Punjab Legislative Council with a view to draw attention to the fact that in some instances when *toria* follows cotton and wheat follows *toria*, both crops are assessed to water rates, the implication being that it is not possible to mature both crops, and, therefore that the earlier crop should be remitted. The question was examined in consultation with a few Superintending Engineers and the following orders are now issued for guidance:—

- (1) The case of two crops sown in the same harvest is provided for in rule 25 of the Rules issued under the Canal Act and Occupiers' rate will be assessed for the crop that comes to maturity. For purposes of this rule the year should be considered as divided into four seasons, viz., *kharif, zaid kharif, rabi* and *zaid rabi*.
 - (2) As regards the sowing of a crop in a field in which a crop belonging to another season has failed, the zilladar should act strictly in accordance with the *kharaba* rules, and should not recommend or should refuse remission, according as the area is under the operation of the Ordinary or Special *kharaba* Rules, if the crop is cut or grazed before inspection. The Executive Engineer can, however, use his discretion in the latter case on the cultivator filing an appeal against the zilladar's decision and allow the remission provided the applicant can prove to his satisfaction that no benefit was obtained from the crop before it was cut.
2. This office letter No. 3557-58-Rev., dated the 22nd February 1932, is hereby cancelled.
3. This disposes of your letter No. _____, dated _____.

CHARGES FOR WASTE OF WATER.

***5043. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that section 84 of the Canal Act definitely lays down that the charges for the waste of water are to be levied by the Divisional Canal Officer after enquiry ;

[Mian Nurullah.]

- (b) whether it is a fact that such cases are sent for preliminary investigation to the zilladars; if so, the authority for this practice;
- (c) whether the rules of the Canal Act also lay down definite procedure regarding investigation of such cases; if not, what Government proposes to do in the matter?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes. As regards the authority for this practice attention of the honourable member is invited to paragraph 18·9 of Revenue Manual and the reply to part (e) in his question No. *4780¹ of 1935.

(c) Procedure regarding investigation of tawan cases is not laid down in the rules framed under the Canal Act. No action in the matter is considered necessary by the Government.

UNAUTHORISED IRRIGATION.

***5044. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether under the rules the Divisional Canal Officers are required to afford an opportunity to the persons on whom liability of unauthorised irrigation or waste of water is to be fixed, of appearing personally and representing their case before the final decision is to be taken;
- (b) whether the persons liable for payments under sections 33 and 34 of the Canal Act are informed about the date, time and place on which the case of such charges is to be decided;
- (c) if not; what Government proposes to do in the matter?

The Honourable Nawab Muzaffar Khan : (a) and (b) Yes. Attention of the honourable member is invited in this connection to the instructions in paragraph 13·9 of Revenue Manual.

(c) Does not arise.

SUPPLY OF WATER TO WATERCOURSES.

***5045. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether he is aware that under section 32 of the Canal Act the Divisional Canal Officer is the only person who can stop supply of water to any water-course;
- (b) whether in practice it is not the Divisional Officer but the Sub-Divisional Canal Officer who regulates the proper flow of water in distributaries and minors, &c.;
- (c) whether under section 32 of the Canal Act a Sub-Divisional Canal Officer has not the authority to stop supply to any minor or distributary without the sanction of the Divisional Canal Officer even for regulation purposes;
- (d) what Government proposes to do to enforce this regulation?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) and (c). Section 32 of the Canal Act relates to stoppage of supply to a watercourse. The question of regulation of supply in distributaries and minors is not dealt with in this section.

(d) Does not arise.

CLOSURE OF WATERCOURSE.

***5046. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) the canal officers who are empowered to order closure of any watercourse or stop supply of any water under rule 19 of the Canal Act ;
- (b) whether any time limit is laid down in rule 19 for such closures ;
- (c) if not, for how long a period such closures can be made and for what reason, and why any definite time limit is not laid down in the rule ?

The Honourable Nawab Muzaffar Khan : (a) Every Canal officer as defined in section 3 (7) of the Canal Act is empowered to take action under Rule 19.

(b) No.

(c) The rule under reference applies only in cases of pressing emergency. The closure is to be for the minimum period according to actual requirements of each case and hence no time limit is laid down in the rule.

DRAINAGE ARRANGEMENTS TO CANAL CLERKS' QUARTERS,
LYALLPUR.

***5047. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether there are any wall ventilators provided in the canal clerks' quarters at Lyallpur ;
- (b) whether it is a fact that no arrangements for drainage were provided in the first instance in these quarters ;
- (c) whether later on, on being pointed out drainage arrangements were made by the authorities by constructing sink wells, &c. ;
- (d) how many sink wells were constructed and at what cost this drainage scheme was constructed ;
- (e) whether it is a fact that the sink wells and the whole original scheme failed to work and new *nalis* have now to be dug ;
- (f) the cause of the failure of this scheme and who is responsible for it ;
- (g) whether the Government is aware that the whole of the foul drainage water is now stored on the open grassy plots on the pucca road-side and that it adversely affects the health of the residents of these quarters as well as the patients of the civil hospital which is situated quite close to this site ;

[Mian Nurullah.]

(h) what action Government is prepared to take to stop this nuisance and why the question of a drainage scheme was not considered at the time of the construction of these quarters ?

The Honourable Nawab Muzaffar Khan : (a) No, only in the roofs.

(b) No.

(c) Initial arrangements having proved inadequate well drains were constructed as an interim measure.

(d) Four wells costing about Rs. 200.

(e) No, the first was inadequate, the second was temporary and a suitable system has since been constructed connecting with the municipal sewer.

(f) In view of reply given to (e) this does not arise.

(g) No.

(h) Does not arise.

SUPPLY OF FANS TO RESIDENCES OF DEPUTY COLLECTORS AND
ZILLADAES.

***5048. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

(a) whether all the executive engineers of the Irrigation Branch residing at Lyallpur are provided with a certain number of ceiling as well as table fans in their residential bungalows ;

(b) whether the canal overseer at Lyallpur has also been provided with a fan at the cost of Government in his residential quarter ;

(c) whether the deputy collectors and the zilladars residing at Lyallpur in Government quarters are not supplied with any fans by the Government ;

(d) if so, the cause of this invidious distinction and whether Government is prepared to allow this concession to the deputy collectors and zilladars as well ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Ceiling fans only are provided.

(b) No.

(c) They are not supplied.

(d) Does not arise, but I may add for the information of the honourable member that there is no question of any invidious distinction. The deputy collectors and zilladars have not asked for the fans as according to the Rules the supply of fans results in the enhancement of rent of the residential buildings.

APPOINTMENTS OF LAMBARDARS.

***5049. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Irrigation Department pays three per cent. of the total *abiana* collected by a lambardar to him ;
- (b) whether the lambardars have certain duties to perform for the Irrigation Department ;
- (c) whether Irrigation Department is consulted in all the new appointments and dismissals of lambardars ;
- (d) which Department is consulted in the appointments of lambardars ;
- (e) whether the Irrigation Department is consulted when leave is granted to lambardars or when their *sarbrahs* are appointed ;
- (f) if the answer to parts (c) and (e) be in the negative, whether Government is prepared to so regularise the procedure as to afford opportunities to the Irrigation Department to have their say in the matter of the appointments and dismissals of lambardars and the appointment of their *sarbrahs* ; if not, why not ?

The Honourable Nawab Muzaffar Khan : The attention of the honourable member is invited to the replies given to questions Nos. *4781¹ and *5088.²

REMISSION UNDER CANAL ACT.

***5050. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether a cultivator is bound to keep his crops standing for an indefinite period after the submission of his claim for remission under rule 20, part 1 of the Canal Act ;
- (b) whether there are any circumstances under which the claim cannot be admitted even if the crop is standing at the time of presentation of such claim ;
- (c) whether there are conditions which are binding on a cultivator after his claim has been inspected by any officer ; if so, what are the conditions ?

The Honourable Nawab Muzaffar Khan : (a) The Rules for remission of failed crops are laid down in Appendix (i) of the Revenue Manual ; an officer clearly must be allowed a reasonable period in which to inspect a crop before it is cut.

(b) If the crop has been cut before inspection by an officer the claim may be rejected.

(c) No. After inspection by an officer the crop may be cut.

¹Page 434, ante.

²Page 795, ante.

HINDUS IN THE OFFICE OF DIRECTOR OF PUBLIC INSTRUCTION.

***5051. Lala Bhagat Ram :** Will the Honourable Minister for Education please state—

- (a) the number of posts held by the Hindus and Muslims in the following grades of the Director of Public Instruction's office :—
- (i) Rs. 250—10—350.
 - (ii) Rs. 100—8—180/10—250 ;
 - (iii) Rs. 75—5—105/150 ;
- (b) whether it is a fact that the representation of Hindus in these grades especially (i) and (ii) is not according to their proportionate representation ;
- (c) whether it is a fact that there are at present two vacancies in the grade of Rs. 75—5—150 and one in the grade of stenographers ;
- (d) if so, whether Government intends to fill these posts by selecting suitable Hindus ?

The Honourable Malik Sir Firoz Khan Noon : (a) (i) Hindus.. Nil.

Muslims	.. 4
(ii) Hindu ..	.. 1
Muslims	.. 8
(iii) Hindus ..	.. 6
Muslims ..	.. 7

(b) The meaning of proportionate representation is not understood. If the honourable member means according to population, then the honourable member's community is likely to lose considerably. It is not possible to ensure 56 per cent. Muslim representation and 26·8 per cent. Hindus representation in each separate office in the Education Department. But the honourable member can rest assured that the Department will do its best to remove communal disproportions in the Department as a whole.

(c) and (d) Policy of Government in this respect has been explained by the Honourable Finance Member time and again in this House. It was explained by Honourable Member for Finance on July 19th, 1927 on the floor of this House.

Sardar Sahib Sardar Ujjal Singh : Will the Honourable Minister be pleased to supply the information with regard to the Sikhs ?

The Honourable Malik Sir Firoz Khan Noon : Yes, with great pleasure, if the honourable member tables a question.

POLICE FORCE IN HOSHIARPUR.

***5052. Sardar Arjan Singh :** Will the Honourable Finance Member please state—

- (a) the population of the Hoshiarpur district communitywise ;
- (b) the total police force in the district communitywise ;
- (c) the number of sub-inspectors, assistant sub-inspectors, head constables, and foot constables communitywise ;

- (d) the number of head constables recommended for training in the Phillaur training school from the Hoshiarpur district during the last two years communitywise ;
- (e) the number of assistant sub-inspectors, sub-inspectors, inspectors, deputy superintendents of police appointed from amongst the residents of the Hoshiarpur district during the last two years communitywise ;
- (f) the number of foot constables and head constables dismissed from the service in the Hoshiarpur district during the last two years communitywise ?

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

Statement.

	Hindus.	Muslims.	Sikhs.	Christians.	Ad-Dharmia.
(a) Population of the Hoshiarpur district.	415,369	328,078	173,147	3,764	111,829
(b) Strength of the Hoshiarpur District Police.	120	334*	81	..	..
(c) Sub-Inspectors	6	11	3	..	..
Assistant Sub-Inspectors .. ..	..	4	2	..	..
Head Constables	19	47	8	..	..
Foot Constables	95	270	66	..	..
(d) Head Constables recommended for the Phillaur course.	..	One only	..	..	..
(e) Assistant Sub-Inspectors .. ..	..	1	1	..	..
Sub-Inspectors	1	..	..	..	..
Inspectors .. ..	..	..	..	..	..
Deputy Superintendents .. ..	..	..	..	..	..
(f) Foot Constables dismissed .. ..	..	2	..	..	..
Head Constables dismissed .. ..	..	..	..	..	..

*Includes two Muslim gazetted officers.

REVENUE APPEALS DECIDED BY DEPUTY COMMISSIONER, HOSHIARPUR.

***5053. Sardar Arjan Singh :** Will the Honourable Revenue Member please state—

- (a) the number of revenue appeals decided by the present Deputy Commissioner (Collector) since he took over charge of the Hoshiarpur district ;

[S. Arjan Singh.]

- (b) the number of revisions or second appeals filed in the court of the Commissioner, Jullundur division, from the appellate orders of the present Deputy Commissioner, Hoshiarpur, referred to in part (a) of the question ;
- (c) the number of revisions or second appeals referred to in part (b) of the question which were rejected and those which were accepted by the Commissioner, Jullundur division ?

The Honourable Nawab Muzaffar Khan : A statement is laid on the table.

Revenue appellate work of the Collector, Hoshiarpur (From 19th April 1933 to 30th October 1935.)

Number of appeals decided by the Collector.	NUMBER OF SECOND APPEALS OR REVISIONS FILED BEFORE THE COMMISSIONER, JULLUNDUR, AGAINST THE ORDER OF THE COLLECTOR.		SECOND APPEALS.		REVISIONS.	
	2nd Appeals.	Revisions.	Accepted.	Rejected.	Accepted.	Rejected.
425	134	66	19	84	4	53

SUB-JUDGES AT HOSHIARPUR.

***5054. Sardar Arjan Singh :** Will the Honourable Finance Member kindly state—

- (a) the names of the senior sub-judges communitywise along with their period of stay at Hoshiarpur during the last 20 years ;
- (b) if the number and the period of stay of the senior sub-judges belonging to a particular community during the period mentioned in (a) be very small, the reasons for this monopoly of one community of a particular post at Hoshiarpur and the steps, if any, the Government proposes to take to give a fair chance to all the communities in the matter of filling this particular post ?

Mr. F. H. Puckle (Chief Secretary) : (a) The honourable member is referred to the Punjab Civil Lists copies of which will be found in the Council Library.

(b) No community has had a monopoly ; the last part of the question does not therefore arise.

RECRUITMENT OF POLICE DEPARTMENT.

***5055. Sardar Arjan Singh :** Will the Honourable Finance Member please state—

- (a) whether the Government made direct recruitments in 1985 to the posts of—
- (i) Deputy Superintendents of Police,
 - (ii) Inspectors of Police,
 - (iii) Sub-Inspectors of Police, and
 - (iv) Assistant Sub-Inspectors of Police ;
- (b) if so, the number of new entrants to each post referred to in part (a) communitywise ?

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

(b)—

	Muslims.	Hindus.	Sikhs.
Deputy Superintendents .. ..	..	1	..
Inspectors	1	..	..
Sub-Inspectors—			
(i) Prosecuting	3	*7	2
(ii) Others	1	1	1
Assistant Sub-Inspectors	18	7	7

*Includes 3 appointments on a temporary basis.

GOVERNMENT METAL WORKS INSTITUTE, AMBALA CITY.

***5056. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the total number of students in the Government Metal Works Institute, Ambala City ;
- (b) the total number of Muslim students in that Institute ;
- (c) the total number of applications for admission to this Institute in—
- | | |
|-----------|-----------|
| (1) 1980. | (4) 1983. |
| (2) 1981. | (5) 1984. |
| (3) 1982. | (6) 1985. |
- (d) the total number of applications for admission to the Institute made by Muslim candidates, in the years mentioned in (1) to (6) in (c) above ?

*For the answer to this question please see the answer to Q. *5057 on the next page.*

***5057. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether he is aware that complaints have been made to the officers of the department, and have also appeared in the press about the paucity of Muslim teachers on the staff of the Metal Works Institute, about the reasons for the shortage of Muslim candidates for admission to the Institute, and about the grievances of the Muslim students of the Institute ;
- (b) if the answer to part (a) is in the affirmative, what steps Government have taken or propose to take to remove these complaints ?

The Honourable Dr. Sir Gokul Chand Narang : The attention of the honourable member is invited to the reply given to question No. *4883,¹ asked by Chaudhri Allah Dad Khan on the 4th November 1935.

METALLING OF A ROAD IN BUDHLADA.

***5058. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that an estimate for metalling the road from the Cotton Ginning and Pressing Factories to the New Mandi Budhlada, was prepared by B. Salig Ram, Overseer, and sanctioned by the Municipal Committee, Hissar, in 1929 ;
- (b) whether it is a fact that the road as it is at present causes inconvenience to the public during the whole year and specially in rainy season ;
- (c) whether it is a fact that in the beginning of the year 1934 the Deputy Commissioner, Hissar, requested the committee to metal the road as soon as the funds permitted ;
- (d) whether it is also a fact that the committee has been in a better financial position during the years 1934 and 1935 ;
- (e) if answers to (a), (b), (c) and (d) be in the affirmative, whether the Deputy Commissioner, Hissar, intends to take action under section 48 of the Punjab Small Towns Act, 1921, and have the road metalled ?

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

(b) Yes.

(c) No. But in October, 1933, the Deputy Commissioner asked the Committee to repair the road.

(d) Yes ; only slightly.

(e) The Town Committee is being asked by the Deputy Commissioner to repair the road to the extent that its funds permit. If the Committee does not comply, the question of action under section 48 of the Punjab Small Towns Act will be considered.

¹Pages 539-40 ante.

CLAIMS FOR REMISSION UNDER THE CANAL ACT.

***5059. Mian Nurullah :** Will the Honourable Revenue Member be pleased to enquire and state—

- (a) the prevailing practice on all the different canals in respect of the treatment of the claims for remission under rule 20 of the Canal Act, presented after the date fixed for the receipt of such claims ;
- (b) whether it is a practice in some of the divisions to refuse consideration of claims received after fixed dates ; if so, which are such divisions ?

The Honourable Nawab Muzaffar Khan : (a) and (b). The procedure in respect of claims for remission of occupier's rates under rule 20-I of the Canal Act (VIII of 1873) is outlined in paragraph 5 of Appendix I of the Revenue Manual. The honourable member is requested to quote instances wherein this procedure has been departed from.

NEWSPAPERS ON APPROVED LIST.

***5060. Maulvi Mazhar Ali Azhar :** Will the Honourable Finance Member be pleased to state—

- (a) the number of English weekly and fortnightly newspapers or journals issued from the Punjab ;
- (b) the circulation of each English weekly and fortnightly newspaper or journal issued from the Punjab ;
- (c) which English newspapers or journals (weekly or fortnightly) are on the approved list ;
- (d) whether there is any specific condition to be fulfilled by the newspaper or journal to be on the approved list ?

The Honourable Mr. D. J. Boyd : (a) Weekly 26.

Fortnightly 10.

(b) In answer to question No. *3629,¹ asked by Chaudhri Afzal Haq in 1934, Government gave figures of circulation of daily papers in the province. Several papers objected to Government publishing an estimate of their circulation, and I do not therefore propose to answer this part of the question

- (c) It is not in the public interest to give the information asked for.
- (d) Yes.

ROAD FROM GAGAN RAILWAY STATION TO KOT BABA THAN SINGH,
CAMPBELLPUR DISTRICT.

***5061. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the road from Gagan Railway Station to Kot Baba Than Singh also known as Kot Fateh Khan in Campbellpur district at one time belonged to the District Board ;

¹ Volume XXV, page 446.

[S. S. S. Ujjal Singh.]

- (b) whether it is a fact that the District Board at some later date relaxed its control over the road in favour of Sardar Muhammad Niwaz Khan, the landlord of the place who has converted it into a private road ;
- (c) whether Government is aware that the visitors to the shrine of Baba Than Singh are on this account put to great inconvenience as the road is open to the public by the permission of the Sardar ;
- (d) if the answer is in the affirmative, the reason for the action of the District Board and the steps that he proposes to take to remove the grievance of the public ?

The Honourable Dr. Sir Gokul Chand Narang: (a) No portion of the road has ever been owned by the District Board. Part of the road is owned by Government. The rest of it is owned by Honorary Major Sardar Muhammad Nawaz Khan.

(b) The District Board, up till 1930, maintained part of the road, but apparently not the whole road. It then transferred the maintenance to the Sardar of Kot in the interests of public convenience.

(c) Government understand that no visitors to the shrine have been refused permission to use this road. They further understand that no charge has been made for the use of this road, except on the occasion of the recent Yag fair, when a charge of 8 annas per lorry per trip was made ; but this included the use of another metalled road owned, constructed and maintained by the Sardar of Kot.

(d) In the circumstances explained above, no action appears to be called for. A different situation might arise, if, at any future time, the public suffered real inconvenience.

INSPECTORS OF ELECTRICITY DEPARTMENT.

***5062. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether his attention has been drawn to a passage on page 3 of the objections and suggestions by the Lahore Electric Supply, Co., Ltd., on the draft of the Electricity Rules regarding adverse remarks about maladministrations of Electricity Act by Inspectors of Electricity Department ;
- (b) if so, what action he has taken or proposes to take to vindicate the honour of his officers ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Government do not consider that any of their officers have been damaged appreciably by this *obiter dictum* on the part of the Lahore Electric Supply Company.

THEFT AT QADIAN.

***5063. Chaudhri Asadullah Khan :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that several thefts have taken place at Qadian, district Gurdaspur, between the 30th July, 1935, and 12th August, 1935 ;

- (b) if the answer to (a) above be in the affirmative, whether any of the burglaries have been traced and the culprits arrested ;
- (c) whether it is a fact that the number of burglaries has increased since the end of July, 1935 ;
- (d) whether Government have discovered the cause of the aforesaid increase ;
- (e) if so, what it is ?

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

(b) No ;

(c) Apart from this series of cases there is a comparative decrease in burglary since the end of July, 1935 ;

(d) and (e) A gang of Sansis was suspected in this particular series of offences.

SPEECHES BY AHRARS AT QADIAN.

***5064. Chaudhri Asadullah Khan :** Will the Honourable Finance Member please state—

- (a) whether he is aware that Ahrar speakers delivered some speeches in the Masjid Araiyan in Qadian (Gurdaspur district) in July last year ;
- (b) whether it is a fact that during this time the Resident Magistrate, Batala, district Gurdaspur, caused a notice to be served on the Nazir Amoor-i-Amah, Ahmadiya movement, and the President, Local Anjuman-i-Ahmadiya, Qadian, to the effect that no Ahmadis should attend the said Masjid Araiyan for the purpose of taking notes of the speeches delivered therein, otherwise legal proceedings would be taken against them under section 107, Criminal Procedure Code ?

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

(b) Yes ; Similar notices were served on the most prominent Ahrar leaders at Qadian to the effect that no Ahrars should attend Ahmadiya mosques for the purposes of taking notes of the speeches delivered.

Chaudhri Asadullah Khan : Would the Honourable the Finance Member give the names of the Ahrar leaders on whom such notices were served ?

The Honourable Mr. D. J. Boyd : It is not the custom of Government to give names.

SMALL TOWN COMMITTEE, QADIAN.

***5065. Chaudhri Asadullah Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) the annual income of the Small Town Committee, Qadian, district Gurdaspur ;

[Ch. Asadullah Khan.]

- (b) the annual expenditure of the said small town committee ;
- (c) whether it is a fact that the small town committee aforesaid pays annual grant-in-aid to both the Talim-ul-Islam High School and the D. A.-V. High School, Qadian ;
- (d) if the answer to (c) above be in the affirmative, the amount of such grant-in-aid paid to the two schools, respectively ;
- (e) whether it is a fact that the Deputy Commissioner, Gurdaspur, directed the Sub-Treasury Officer, Batala, district Gurdaspur, on 22nd September, 1934, and again on 27th August, 1935, to pay from the funds of the Town Committee, Qadian, aforesaid the sums of Rs. 414 and Rs. 420, respectively, to the Manager, D. A.-V. School, Qadian, as grant-in-aid aforesaid ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Rs. 7,857 for the year 1933-34.

(b) Rs. 7,077 for the year 1934-35.

(c) Yes.

(d) Rs. 1,000 to the Talim-ul-Islam High School and Rs. 95-8-0 to the D. A.-V. High School, during the year 1934-35.

(e) Yes.

POLICE PROTECTION TO HANIFA OF QADIAN.

***5066. Chaudhri Asadullah Khan :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that one Hanifa of Qadian is always attended by a police man, whenever he goes to Qadian or appears in court ;
- (b) if the answer to the above be in the affirmative, why this action by the authorities is considered necessary ;
- (c) whether any similar protection is given by the police to other persons ?

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

(b) To secure his safety from a possible act of revenge.

(c) Yes, when necessary.

MELA QADAMAN, QADIAN.

***5067. Chaudhri Asadullah Khan :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that a *mela* used to be held in the past in Qadian, district Gurdaspur, called the Mela Qadaman ;
- (b) whether it is a fact that for several years past the aforesaid *mela* had been discontinued ;
- (c) whether it is a fact that this year the said *mela* was held again on 18th June, 1935 ;

- (d) whether it is a fact that the paper *Alfazal*, Qadian, dated 18th June, 1935, expressed an apprehension that the boundary walls belonging to Ahmadis and constructed on their own lands were likely to be demolished ;
- (e) whether it is a fact that even a report to the effect in (d) above was lodged with the local police at Qadian on 18th June, 1935, by Shaikh Mahmud Ahmad and M. Abdur Rahman ;
- (f) whether it is a fact that in the afternoon of 18th June, 1935, one such wall, the property of the Sadar Anjuman-i-Ahmadiya, Qadian, was demolished and a report to that effect was lodged with the police on 19th June, 1935 ;
- (g) if the answers to (a), (b), (c), (d), (e) and (f) above be in the affirmative, what steps the police took to protect the boundary walls belonging to the Ahmadis, in particular the wall in question which was demolished ?

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

(b) Yes ;

(c) Yes ;

(d) Yes ;

(e) Yes ;

(f) The wall was not demolished, but bricks were knocked off the top layers, it is said, by people jumping over the wall to attend the *mela* ;

(g) It is not the duty of the police to prevent private property from accidental damage.

UNSTARRED QUESTIONS AND ANSWERS.

HEALTH CENTRES.

1297. Maulvi Mazhar Ali Azhar : Will the Honourable Minister for Education be pleased to state—

- (a) the total number of health centres in the Punjab ;
- (b) the number of health centres opened this year ;
- (c) the approximate area attached to each centre ;
- (d) the districts which have health centres and those which have none so far ;
- (e) the ways in which the work of the health visitors has proved useful ;
- (f) if the answer to (e) above be in the affirmative, whether Government contemplate to extend it to all the districts in the province ;
- (g) the starting salary of a health visitor and its grade and whether it has been reduced recently ;
- (h) whether the Government has reasons to believe that the salary cannot attract any better class people to join the Punjab Health School for health visitors' course on account of its inadequacy ;

[M. Mazhar Ali Azhar.]

- (i) whether Government contemplate revising the grade of health visitors' pay ;
- (j) whether health visitors are expected to train a certain number of *dais* by giving lectures to them as well as demonstrating practical work to them ;
- (k) the expense of the upkeep of a health centre and the proportion of it borne by the Government ;
- (l) whether there is sufficient arrangement of protection for the lady health visitors when sent to rural maternity and children welfare work ;
- (m) whether the Principal of Punjab Health School has also the duty of inspecting the various centres of health and whether Government has sanctioned a special allowance for the duties of inspection entrusted to her ; if not, the reasons for the same ;
- (n) whether the services under the Punjab Health School are provincialized while the services of the workers attached to maternity and child welfare or health centres are not provincialized ; if so, the reasons for this difference ;
- (o) whether the services of sanitary inspectors are provincialized while those of the health visitors and inspectors of health visiting centres are not provincialized ; if so, the reasons for this difference ;
- (p) if the answer to part (o) be in the negative, whether Government proposes to consider the possibility and advisability of provincializing the services of health visitors and those of inspectors of health centres ?

The Honourable Malik Sir Firoz Khan Noon : (a) 75.

(b) 11.

(c) The area attached to each centre is determined by the average number of births in the population resident therein. Each centre serves an area in which 300 births occur annually.

(d) The districts which have health centres are the following :—

1. Rohtak.	13. Sialkot.
2. Gurgaon.	14. Gujranwala.
3. Karnal.	15. Sheikhpura.
4. Ambala.	16. Gujrat.
5. Simla.	17. Jhelum.
6. Kangra.	18. Rawalpindi.
7. Jullundur.	19. Attock.
8. Ludhiana.	20. Montgomery.
9. Ferozepore.	21. Lyallpur.
10. Lahore.	22. Jhang.
11. Amritsar.	23. Multan.
12. Gurdaspur.	24. Muzaffargarh.

The districts which have no health centres are :—

1. Hissar.
2. Hoshiarpur.
3. Shahpur.
4. Mianwali.
5. Dera Ghazi Khan.

(e) The ways in which the work of the health centres has proved useful may be gathered from the statistics of the work done in the year 1934 :

(1) *Ante Natal care and observation.*

14,182 Ante Natal cases were seen at home.

16,784 re-visits were made to these cases.

7,878 Ante Natal cases attended the welfare centre.

12,085 re-visits were made by the above cases.

(2) *Care of confined Mothers.*

16,556 mothers received trained attendance at the time of labour, under the guidance of the health visitors, and were visited by them during puerperium.

At 6,964 of the above cases, the health visitors were actually present at the time of labour.

For 372 labour cases requiring medical aid, the necessary arrangements were made by health visitors, thus reducing the maternal mortality very considerably.

315 abortions and 328 still births came under the notice of the health visitors and the mothers were given necessary advice and care.

(3) *Infant and Child Care.*

28,855 infants were visited at home and 76,910 re-visits made.

(4) 1,483 indigenous dais were under training in 1934 while 713 dais have already received the Punjab Central Midwives Board Indigenous Dais Certificate after undergoing training at these health centres.

(f) Local bodies which generally maintain the health centres are being constantly urged to extend the work as far as their financial resources permit.

(g) Health visitors start in the scale of Rs. 75—5—120, which is subject to 15 per cent. cut. The maximum of the grade was Rs. 150 which was reduced in 1931 on account of financial stringency.

(h) No.

(i) No.

(j) Yes.

(k) Rs. 2,000 approximately. Government pays a certain percentage of the salary of health visitors in the form of grants-in-aid. In the year 1934 this percentage was approximately 35, but this year the percentage has increased to nearly 45.

(l) Yes. No complaints have been received. The ladies are widely and genuinely respected for the noble duties they discharge.

[Hon. Malik Sir Firoz Khan Noon.]

(m) The answer to the first part of the question is in the affirmative. The Principal, Punjab Health School, is also the inspectress of health visitors and health centres in the Punjab. She gets a consolidated salary of Rs. 300—20—500 per mensem.

(n) This is so. It is not advisable to centralize this work. The local people must be allowed some scope for doing something for themselves. Substantial financial aid is given by Red Cross and the Government.

(o) There are strong arguments in favour of decentralizing the sanitary inspectors service, but there are no reasons for immediate action in this direction.

(p) Inspectresses of health centres should certainly be on a provincial cadre, but it is doubtful whether health visitors should be brought on a provincial cadre. At present their cost is borne partly by Red Cross, partly by local bodies, partly by Government and partly by local donations and subscriptions. If they were provincialized, the whole burden will fall on the provincial tax-payers in general.

ADMINISTRATION OF MUNICIPAL COMMITTEE, BHIWANI.

1298. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to place on the table the last audit note on the administration of the Bhiwani municipal committee in the Hissar district ;

- (a) whether the attention of the Government has been drawn to it ;
- (b) if so, what action Government proposes to take in the cases of misappropriation referred to therein ?

The Honourable Dr. Sir Gokul Chand Narang : Attention of the honourable member is invited to the answer given to question No. *4920.¹

LAWYERS ENGAGED BY THE MUNICIPAL COMMITTEE, BHIWANI.

1299. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the total number of cases in which lawyers were engaged by the Municipal Committee, Bhiwani, from 1st February, 1935, to 31st May, 1935 ;
- (b) the number and value of the cases from those referred to above for the recovery of canal water fees ;
- (c) the total amount of fees paid to lawyers for all these cases for the recovery of canal water dues ?

The Honourable Dr. Sir Gokul Chand Narang : (a) 14.

(b) (i) Number of cases 6.

(ii) Value of cases Rs. 243.

(c) Rs. 85.

DEATHS AND BIRTHS IN BHIWANI.

1300. Lala Chetan Anand : Will the Honourable Minister for Education kindly state—

- (a) the number of deaths and births in the town of Bhiwani in the Hissar district during the months of January to May, 1934, and January to May, 1935 ;
- (b) whether it is a fact that from January to May, 1935, mortality has risen abnormally ;
- (c) if so, the reasons for the same ;
- (d) what steps, if any, Government proposes to take to check this abnormal rise in mortality ?

The Honourable Malik Sir Firoz Khan Noon : (a)—

Months.	1934.		1935.	
	Deaths.	Births.	Deaths.	Births.
January	72	146	116	114
February	70	99	127	157
March	104	151	161	149
April	96	97	133	101
May	129	89	140	88

(b) No.

(c) and (d) Do not arise.

FILES MISSING FROM THE OFFICE OF THE MUNICIPAL COMMITTEE,
BHIWANI.

1301. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to state the number of files missing from the office of the Municipal Committee, Bhiwani, up till the end of year 1934 and the number from January to May, 1935 ?

The Honourable Dr. Sir Gokul Chand Narang : 259 files of various years before 1930 are missing. Most of these were found to be missing in 1922. No file instituted between the years 1930 and 1935 has been lost.

ADMINISTRATION OF MUNICIPAL COMMITTEE, BHIWANI.

1302. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the number of complaints against the administration of the Municipal Committee, Bhiwani, handed over by the Deputy Commissioner, Hissar, to his subordinate officers for enquiry and report during 1933 and 1934 ;

[L. Chetan Anand.]

(b) the date regarding each complaint when handed over for enquiry to the subordinate officers ;

(c) the dates on which the said officers submitted their final reports in the above-mentioned cases :

(d) the number of complaints still pending enquiry ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Five in 1933, and two in 1934.

(b) and (c) A statement giving the required information is laid on the table.

(d) Four.

Statement.

Year.	Number.	Date on which the complaint was handed over to the subordinate officer for enquiry and report.	Date on which report was received.
1933	1	16th May, 1933	18th July, 1933.
	2	22nd September, 1933*	4th December, 1933.
	3	23rd September, 1933	5th December, 1933.
	4	24th November, 1933*	4th December, 1933.
	5	28th November, 1933*	4th December, 1933.
1934	1	15th September, 1934	6th October, 1934.
	2	5th October, 1934	3rd August, 1935.

*These complaints relate to a single dispute.

OCTROI DUTY, MUNICIPAL COMMITTEE, BHIWANI.

1303. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government kindly state—

(a) whether it is a fact that the Municipal Committee, Bhiwani, has recently increased the octroi duty on commodities by 50 per cent. all round ;

(b) if so, whether this increase in octroi duty has the effect of great decline in the trade of the town ;

(c) whether in view of this decline in the trade of the town Government proposes to revise the octroi schedule ?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is referred to the reply given to question No. *4923.1

CAGES MISSING FROM STOCK OF THE MUNICIPAL COMMITTEE, BHIWANI.

1304. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that several cages are missing from the stock of the Municipal Committee, Bhiwani ;
- (b) whether it is a fact that they have not been traced yet and no action has been taken by the municipal committee so far ?

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

(b) Does not arise.

COMPLAINTS AGAINST THAKAR NANAK SINGH, LAMBARDAR, BHIWANI.

1305. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Revenue Assistant, Hissar, is enquiring into the matter of complaints against one Thakar Nanak Singh, Lambardar of Bhiwani ;
- (b) whether it is a fact that the record of dismissal of Thakar Nanak Singh, lambardar, as oetroi muharrir in the Municipal Committee, Bhiwani, has been found missing from the records after this enquiry was ordered ?

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

(b) He was only a candidate for employment in the Bhiwani municipal committee when his name was removed from the list of candidates. Therefore, no record of his dismissal was prepared.

ALTERATION OF AGE OF RANA ABDUL HAMID KHAN, PRINCIPAL,
DEMONTMORENCY COLLEGE, SHAHPUR.

1306. Lala Chetan Anand : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that Rana Abdul Hamid Khan, M.A., Principal, deMontmorency College, Shahpur Saddar, applied for the alteration of his age ;
- (b) whether the alteration asked for was in the interest of the applicant or against him ;
- (c) whether he was allowed to make the alteration asked for ;
- (d) if not, why not ?

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

(b), (c) and (d) Do not arise. May I know the name of the person who put the honourable member to unnecessary trouble by supplying him with false information ?

ALTERATION OF AGE OF M. ZAHUR-UD-DIN, DIVISIONAL INSPECTOR
OF SCHOOLS, RAWALPINDI.

1307. Lala Chetan Anand : Will the Honourable Minister for Education please state—

- (a) whether it is a fact that M. Zahur-ud-Din, Divisional Inspector of Schools, Rawalpindi division, applied for the alteration of his age ;

[L. Chetan Anand.]

(b) whether the alteration asked for was in the interest of the applicant or against him ;

(c) whether he was allowed to make the alteration or not ;

(d) if not, why not ?

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

(b) The officer concerned applied for an alteration in his date of birth from June, 1886, to 5th December, 1882. Government seldom receives such applications. Ordinarily most people try to prove themselves to be younger than they usually are. It would, therefore, appear to be against his interests.

(c) No.

(d) In accordance with the rules governing such cases, no alteration may be made in the age of a Government servant after the 4th July, 1929.

HAVELI PROJECT SCHEME.

1308. Lala Chetan Anand : Will the Honourable Revenue Member please state—

(a) whether any progress has been made in the matter of Haveli Project Scheme ;

(b) when the Haveli project is to begin ?

The Honourable Nawab Muzaffar Khan : (a) The scheme, in project form, is under print, and will shortly be submitted to the Government of India with the object of obtaining sanction from the Secretary of State to the commencement of construction of the works involved.

(b) On receipt of the competent authority.

MUNICIPALITY FOR OKARA.

1309. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government please state—

(a) whether any steps have been taken to convert Okara town into a second class municipality ;

(b) when Okara town is to be granted a second class municipality ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Okara notified area has been converted into a municipality of the second class,—*vide* Punjab Government notification No. 29867, dated the 10th September, 1935.

(b) Does not arise.

MUNICIPAL COMMITTEE, BHIWANI.

1310. Lala Chetan Anand : Will the Honourable Minister for Local Self-Government be pleased to place on the Council table a statement showing the following particulars regarding the Municipal Committee, Bhiwani :—

(a) the number of applications for *tamirat* (construction of buildings) pending for disposal on 31st December, 1934, and on 31st May, 1935 ;

- (b) the number of such applications received and disposed of during the months of January to May, 1935 ;
- (c) the number of notices issued during each month under section 132 of the Punjab Municipal Act from 1st January, 1935, to 31st May, 1935 ?

The Honourable Dr. Sir Gokul Chand Narang : A statement containing the required information is laid on the table.

Statement.

(a)—

Date.	Number of applications for <i>tamirat</i> (construction of buildings) pending for disposal.
31st December, 1934	28
31st May, 1935	61

Some of these cases had been referred to the Deputy Commissioner for advice.

(b)—

Period.	NUMBER OF SUCH APPLICATIONS.	
	Received.	Disposed of.
During the months of January to May, 1935 ..	161	128

(c)—

Period.	Number of notices issued under section 132 of the Punjab Municipal Act, 1911.
January	8
February	<i>Nil.</i>
March	<i>Nil.</i>
April	<i>Nil.</i>
May	485

These notices were issued in connection with the drainage scheme of the Bhiwani town at the request of the Public Health Department.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY, ADDITIONAL AND TOKEN GRANTS.

POLICE—SHAHIDGANJ DISTURBANCE (CONCLUDED).

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhamadan, Rural) (*Urdu*): I rise to oppose this demand, but my reasons for doing so are entirely different from those that have actuated other members to oppose it. The government has demanded a supplementary sum of Rs. 72,670 for the appointment of additional police, required in connection with the situation that had arisen out of the Shahidganj agitation. Now the government wants to levy this tax on the whole province and realize this sum from those poor people who had nothing whatever to do with the Shahidganj affair. If a similar incident had occurred elsewhere, if it had happened in that unfortunate part of the province to which I unfortunately belong, I am sure the government would have punished only the people of that place and would have imposed this penalty on those poor creatures only. It would not have put the burden of this expenditure on the provincial revenue. On account of bigotry and fanaticism such incidents can take place anywhere. They can happen either for want of toleration on the part of the people or for some mistakes on the part of the officers. But in all such cases government has realized in the past the penalty for additional police from those people for whose sake the additional police is appointed. For instance, punitive police was posted in Bajnaur, Ambala district when two Sikhs murdered four butchers. Punitive police was posted in that area and its expenditure was realised from the inhabitants of that

3 P.M. *ilaga*. The whole expenditure amounted to 10 or 12 thousand rupees and the people were made to pay in order to defray the charges of the punitive police. The Government can very well realise the cost of the additional police in the same way from the public of Lahore because the circumstances in both cases are identical. I do not propose at this time to go into the details of this affair and lay the blame at the door of the Hindus, the Sikhs or the Muslims. Nor do I want to emphasise that the whole trouble arose on account of the Government's negligence. What I want to emphasise at this time is that the Lahore public, Hindus, Sikhs, Christians and Muslims alike should be made to pay towards the expenditure of the additional police brought to cope with the Shahidganj affair and the burden of this expenditure should not be put on the shoulders of other peaceful people of the province. By putting this burden on the shoulders of the whole public of the province the Government is unnecessarily taxing the innocent Hindus, Muslims and Sikhs of the province who had nothing whatever to do with the Shahidganj affair. It is necessary that in view of the principles of justice and equity the cost of the additional police employed in connection with the Shahidganj agitation should be levied from the Hindus, Muslims or Sikhs of Lahore who took law into their own hands, so that they may learn a lesson for the future.

Khan Bahadur Sardar Habib Ullah: Why not ask the Lahore Municipal Committee to pay the amount? (*Laughter*).

Kanwar Mamraj Singh Chohan: I have heard the speeches of my honourable friends attentively and I think no one of them has objected to

the employment of additional police. The police was employed even before the day of the unhappy occurrence and a number of them were present even before that in Lahore because their presence was considered necessary. When nobody has raised objection to the employment of additional police force to cope with the Shahidganj agitation, I think, they should agree with me that the cost of that police force be realised from the Lahore people. I know Mussalmans are generous, good-natured and broadminded people. I would submit to them that they should consider this question more calmly. The question of the demolition of a mosque is not the only question involved in this affair. They have to broaden their outlook. As a majority community in this province they are to form the new Government under the coming constitution. They will be in an overwhelming majority here and everything will depend upon their good will. Now, there are temples belonging to every community throughout the Punjab, temples of Sikhs, Hindus and Christians. Mussalmans should convince all these communities from the outset that they would respect the places of worship of all communities and that temples of every community would be safe when the sceptre of authority passes on to them in this country. If other communities are convinced from the very beginning that the attitude of Muslims will be generous when they come to power they will stand a good chance of making reforms a success and forming a consolidated Government. Otherwise they will lose their prestige from the very beginning. It is high time that the Mussalmans should learn to respect the susceptibilities of the Hindus and the Sikhs. If they do not learn this the Hindus and the Sikhs will form a strong minority party and will create parties among the Muhammadans themselves and it will be very difficult for the Mussalmans in those circumstances to carry on the work of a stable Government. Therefore Mussalmans will do well to placate Hindus and Sikhs from the beginning. If they do not do it they will have to suffer in the end.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural): I rise to oppose the demand under consideration. In making this opposition I am aware that we should make speeches in a manner in which conciliation should be sought after. With this criterion in view I am disappointed at the speech made by the Sikh member, I mean Sardar Ujjal Singh, which I think was rather fiery. He has made a speech which will arouse the passions of those who suffered during the affair rather than pacify them. It has been asked, why has the Muslim community made so much of this small affair? If it were a worldly affair, if it were a question of life and death that concerned this world alone, the Muslims might perhaps be blamed for raising such a hue and cry. This is a religious affair and this fact has been overlooked by all the speakers. The Muslim will not allow anything which he thinks touches his religion. He will even sacrifice his life for a religious cause. The Muslims have lost everything in the world except religion and that is perhaps responsible for the great enthusiasm and the great sacrifices which the Muslims have made for this small affair.

Sardar Ujjal Singh stated that the Government had showered favours on the Mussalmans in this unfortunate controversy. The Inquiry Committee found that fifteen men were killed and a hundred or fifty were wounded—there are different estimates as to this number. If that is a favour then I

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should suggest to Sardar Ujjal Singh that he should press on the Sikhs to make an application to Government for this sort of favours to their community. Does he think that the killing of these unfortunate men, who lost their lives for doing what they believed in good faith an act of religious merit, is a favour to the Muslim community? It may be to some other community but the Muslims set a very high value on human life. In this connection I quote Sa'adi's well known lines:—

مردی که ملک - را سر زمین - فیروز کند که نه چکر بر زمین

It means that if you shed a single drop of human blood the kingdom of the whole earth is not worth it. Can any other religion here place a still higher estimate and value on human life? Even the return of the Shahid-ganj mosque is no recompense for all the blood that was shed. Is that any favour? I think to call it a favour is a misnomer of the worst type which I think Sardar Ujjal Singh should have taken care not to mention. Perhaps he may set a very low value on human life, in any case he cannot claim to lay such a high value on human life as we do. (*An honourable member* : What about the value of the lives of the Sikhs?) I will come to that point later.

The question of the restoration of the Shah Chiragh mosque has been very ably dealt with by my friend the member from Ferozepore and I need not go into it. If the Government has restored the Shah Chiragh mosque to the Muslims, that is the result of a long agitation. It has taken as much as 25 years or thereabout, and the Muslims have been pressing for the restoration of that mosque and if Government has restored it in response to the public opinion and the religious sentiment, it has not done anything extraordinary.

One thing which the honourable Sardar Ujjal Singh said was that the Sikh officer who dealt with the situation was so tactful that no other member of the I. C. S., even the most brilliant of them, could have dealt with it more tactfully. The Muslims will remember the happenings probably for centuries, and the action was taken against a community which has stood by the Government through thick and thin, and a community which supplied Government with recruits during the war and those men fought against Turkey. And this is how Government has dealt with the community, and I think that is a very sorry recompense and a very poor reward for the sacrifices which the Muslims have made for the Government. Then he says that the handling of the situation was more tactful than it could possibly have been by any other brilliant member of the Indian Civil Service. But I submit that the situation could have been very easily saved by even an officer of a lower grade than the Deputy Commissioner himself. I can illustrate my point by quoting an incident that happened in 1922. In that year about 80,000 meos had collected in a village called Taoru in the Nuh tahsil. There were two parties among them. Both the parties were armed to the teeth with swords, chavvies, gandasas and guns. They were almost ready to fight and if they had been allowed to fight there would have been so much bloodshed the like of which none would have seen before or would have seen thereafter in Lahore. You know how easily the meos get excited and when excited they can understand nothing about them.

They lose their heads. If there is any doubt about it, see what they did at Alwar recently. But the deputy superintendent and a tahsildar kept them in check for two days and one night and then prevented further trouble among them. (*An honourable member* : Who was that tahsildar ?) He was a humble servant of Government. Not a single soul was killed. The present situation is nothing compared with that, and yet that situation was handled without the loss of even a single life whereas in the present case many lives were lost. I submit that the present situation could have been handled better and all the bloodshed could have been prevented. Again coming to the question of favours shown by Government to the Muslims which the honourable member for the Sikh Urban constituency alleged yesterday, it is possible that the Government had shown some favours to them, but it cannot be said that Government showed undue favour or partiality to them.

I shall submit presently what the Government should have done to prevent the situation from arising. I am really surprised that no honourable member ever touched that point. However, I shall bring it prominently to the view of this honourable House. When this trouble began to gather in proportion, when the Sikhs began to come to Lahore they should have been prevented from assembling at Lahore. The Honourable Finance Member in answer to a question put by the honourable member for Ferozepore, the other day, said that the Sikhs came singly or individually or in small parties and that was why they were not prevented. Is that the answer which one should expect from the Government? Does the Honourable Member mean that if the whole of the Punjab population had assembled at Lahore in order to raise some revolution, he would not have prevented them if they had come singly or in small parties? Surely he would have taken strong measures to prevent their coming to Lahore. Similarly they should have adopted measures to prevent the Sikhs gathering at Lahore. The failure to do this amounts to a culpable negligence on the part of the Government and no amount of sophistry or argument can absolve the Deputy Commissioner of this folly. If they so desire they can of course justify themselves by quoting figures or crooked argument :—

چر نیلے را خر و شان از کجک دیدم یقین کردم

کہ عاجز سے توان کردن ز کج بخشی نلامون را

Arguments can be advanced for and against anything in order to justify the attitude of Government. But when you look at the plain fact, you can never absolve the Government from the blame that attaches to them, for the negligence which they were guilty of in the beginning, in allowing so many Sikhs to gather in Lahore. That was the time when a single stitch could have saved nine. But they allowed things to drift. Of course His Excellency the Governor was not in Lahore at that time; but it was up to the Deputy Commissioner to have kept him informed of everything which happened hourly and every minute and taken steps to stop the inrush of Sikhs into Lahore. He did nothing of the kind and yet no blame is proposed to be attached to him for his failure to do so. I may state that a European commissioner was made to retire prematurely simply because of a single

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mistake which he committed in connection with the collection of Jats in a small village in the Rohtak district in 1916 or thereabout which resulted in riots.

Now the Sikhs gathered inside the Shahidganj Gurdwara in large numbers. I do not know exactly how many collected there; but they were allowed to gather there and be prepared for all contingencies that might happen there. Now, what was the duty of the Government under such circumstances? The Government should have taken possession of the mosque and the Hindus, Sikhs and Muslims should have been prevented from going there. This was suggested even then; but then the Government said that it felt some difficulty in adopting this course, and that there were some obstacles in its way. I say there was absolutely no obstacle. The obstacle alleged was that the Sikhs would have taken it ill if that course had been followed and would have brought Jathas. They would not have done that. They would have agreed to wait till the Government came to a decision in the matter. Much has been made of the fact that the Sikhs possessed legal rights over this Shahidganj, that it had been adjudicated by the Gurdwara Tribunal in their favour. We are all aware of it although I do not know whether ownership had been established in their favour. I think it is only possession that had been established. Further suppose A is the owner of a house and he begins to collect a crowd and preach sedition against Government. Is it contended that Government would allow it to go on? Similarly, even if the Sikhs had been in possession of the Shahidganj, is it contended that the Government were justified in allowing things to go on as they did? Surely the Government is to blame for having allowed things in the Shahidganj to proceed as they did. This is the second blame on the part of the Government. I am not in the know of things behind the curtain, but I say that His Excellency the Governor himself was of this opinion. It seems that some people frightened him of the agitation which the Sikhs had started some years ago.

Sardar Sahib Sardar Ujjal Singh complained that the Government did not prevent the Muslim congregations from making unlawful demonstrations. I submit that they were making only lawful demonstrations. Here is a mosque which is as important to a Muslim as his own heart. Do you think that a Muslim would remain cool and happy when the mosque is being demolished? If the Government had taken possession of the mosque even temporarily and prevented its demolition, the Muslims would have kept patience awaiting the decision of the Government. The Government should have done this even at the risk of displeasing the Sikhs. The Government should not have displeased a large community like the Muslims by the attitude it adopted, a community which is several times bigger than the Sikhs whom the Government was afraid of displeasing. It is well-known that the Muslims when excited over a religious matter know no restraint. They are capable of creating no little amount of trouble when they are excited over a religious question. It was therefore not proper for the Government to have provoked them. It should have arranged to hand over the building to the Mussalmans even at the risk of displeasing a minority community as it was Muslim's mosque. I say that that would have been fair and just. It was also a case of expediency. When the question of expediency

comes in you sometimes sacrifice even justice. I am simply looking at it from the point of view of expediency. Moreover there was right on the side of the Muslims in this case. For instance take this Shah Chiragh Mosque case. The Muslims kept quiet for all these years. The Muslims never objected to its being used for so many years for a worldly purpose and they could have gone on like that for a number of years more. But to demolish it is a different thing altogether. Therefore I say this objection has no value, this question of legal rights being in the way of Government. Were there any more legal rights in this case than there were in connection with the prevention of Muslims from going into a mosque as was done some years ago? Was there anything more reprehensible for the Government taking action against the Sikhs and preventing ingress of the Sikhs into the Gurdwara than in the matter of the prevention of Muslims from going into the mosque when it was used for political talk? So I say there is no excuse on the part of the Government not to have taken up that attitude and that action would have prevented all this situation from worsening as it has worsened. That would have prevented so much innocent blood which has been shed and that would have prevented the wounding of the feelings of the great community of Muslims. So, whoever is responsible for all this trouble should not go Scot-free. He must have the full retribution laid upon his shoulders—there must at least be one or two men responsible for all these troubles and who have not taken proper action in time—and it will be like a healing balm for the wounded Muslims to take action against them. I am one of those who believe in the good faith of others and I believe in the good faith of Government though it sometimes makes mistakes. But I never say that the Government did anything deliberately. If Government has committed a mistake there is time to restore that confidence which has been shaken by the acts of Government. I do not think the Muslims are justified in believing that the Government did anything intentionally. I will never accept that theory. The theory has been raised by one or two members that the Government wanted the two communities to fight on the principle of "divide and rule"

چو درخان بیم خوف دارندو بهم سرود درمیان کلروانی سلیم

If the thieves fight amongst themselves then the caravan goes safe. Even by any stretch of imagination if you could pin yourself to be persuaded to the belief that Government did it there are facts which falsify it and I say that Government has not done it because if it could be done without Government involving itself it would have been something. But in this Government has almost become a party and Government could not become a party against a great Muslim community. The Government is now a party against both because both communities yesterday did not speak well of the Government as is usual in such cases. But I have now submitted that there is some chance of meeting the situation.

As I was mentioning the mistakes of the Government there is also another fact, a horrible thing. The firing on the 21st was unjustifiable. My honourable friend from Sialkot made it plain yesterday that the Muslim crowd could have been very well stopped either at Wazir Khan Mosque or at Dabbi Bazar or at Chuna Mandi. They were not prevented at any of these places. They were allowed and yet some friends say that the

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Deputy Commissioner is not to be blamed for his negligence. The Deputy Commissioner was the man on the spot. He could have taken steps to prevent the mob at one of these places and if this was done the bloodshed on the 21st could have been prevented and still there are some men who say that the Deputy Commissioner controlled the situation in a manner in which any other member of the I.C.S. could not have done. I do not know how the other members of the civil service would take this fulsome praise. My honourable friend made it plain yesterday that it was possible to prevent these men at the mosque. When a Muslim sees another Muslim being butchered, do you think that anything, even bullets, will stop him? This demolition of the mosque was much more than butchering a man. That is the value the Muslims put upon the demolition of a mosque. They were attempted to be stopped when they had come to the mosque which they saw having been demolished, with their own eyes. They were not even then enraged as the crowd on the 20th. They were doing nothing and they could have been stopped by means of a barricade.

Mr. President : There should be a limit to repetitions. The honourable member is repeating the arguments advanced by other speakers.

Chaudhri Allah Dad Khan : I was giving a different version.

Mr. President : I request the honourable member not to indulge in repetition again.

Chaudhri Allah Dad Khan : The other mistake which has not been so far brought out is that many men were shot at several times. It was found that there were three bullets on the body of one man and in dispersing the crowd no warning was given. The magistrate did not give the order to fire at one front, if you call it a front and he protested afterwards that the police opened fire without his personal orders. Again a man whose name is Muhammad Shafi came to take the dead body of a relative and he was fired at by a revolver by a police officer. Was the police officer asked by the magistrate in charge to do so? All these facts have not been stated. They need a full enquiry. The other facts into which I need not go as it would be a repetition according to your ruling, Sir, have been clearly brought out by the other speakers who have spoken before me. So in view of those facts which have been stated by other honourable members and in view of the facts which I have given to-day, the question is worth being investigated by impartial men. My honourable friend, Mr. Puckle, the other day quoted a line from Sa'adi :—

تر پاک باش برادر مدار از کس باف

ز نند جامه ناپاک نذران برسدگ

He repeated this when he was supporting the Criminal Law Amendment Bill. I hope he understands the meaning of it. It is that if a man is pure he should not shirk any sort of investigation. Why, then, does the Government shirk an enquiry? That clearly shows, if you take it conversely, that the Government is not clean and therefore shirks an enquiry. If the Government is clean it should not shirk. The washerman washes the dirty clothes and not white clothes not spoiled by spots. Why is it that the Government has not undertaken any enquiry? I have to-day given so

many facts about officers and about this firing. I hope in view of these facts the Government will undertake an enquiry. It will be in the interests of Government. I have already said that the Government was actuated by *bona fide* motives, whatever mistakes they might have committed. The mistakes can be overlooked by the people and the Government will be rid of further suspicion if it holds an enquiry. All these matters which I have mentioned may form the subjects for enquiry and that would give a great satisfaction to the Muslim community.

One thing before I come to the practical solution of the problem. All members have more or less condemned the Government for its policy, in one aspect or in another. All that is of course plain and that is a matter into which I need not go. All members have found fault with the Government and the only thing that the Government can do is to hold an enquiry. That is another reason for holding an enquiry. While on this point I would say just one or two words about my friends the Ahrars. The Ahrars in the beginning were against the general community of the Muslims.

Mr. President : The honourable member is not relevant in bringing in the Ahrars.

Chaudhri Allah Dad Khan : I mean to say that the things are so serious and full of mistakes that even the Ahrars who were supporters of the Government have now condemned the Government.

Chaudhri Afzal Haq : We never supported the Government.

Mr. President : May I point out that in discussing the matter under consideration the honourable members will be well advised if they base their speeches and arguments on facts personally known to or verified by them? If possible they should not base their speeches on rumours and assumptions.

Chaudhri Allah Dad Khan : I was talking of the errors committed by the Government in firing upon the mob. This point was not touched by any other member. The idea that the crowd was unruly is erroneous and that is plain from the fact that on the very night preceding which the firing was resorted to the police pickets were withdrawn from Lahore city. Is it not an abundant testimony of the peaceful behaviour of the mob? If they had been unruly in any way, the police pickets would never have been withdrawn, after the firing. This firing, if at all, would only have exasperated the mob.

Having said so much I must now come to proposals for conciliation. I say it is no use throwing mud by the Muslims on the Sikhs and by the Sikhs on the Muslims and by both of them on the Government. We have to live in this country for ever and we have to pull on with each other for ever and we have to be good neighbours. Let us then try to arrive at a solution of this problem. I appeal to the Government that it will give practical shape to my suggestions for conciliation. This question has to be solved and there have been many proposals for solution none of which has met up to this time with the approval of the Government. I make another suggestion that even at this belated hour, the mosque should be taken possession of by the Government under the Criminal Law and no Sikh, Muslim or Hindu should be allowed to go to it. (*An honourable member :* Under what sections?) Let me finish and I will quote the sections. When the Sikhs

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find that the mosque is now in the possession of the Government they will come to the Muslims to arrive at a settlement and when the Muslims find that Sikhs are no more in possession of the mosque they will also minimise their demands and after that the question would be left to the leaders to settle. But the Government's part will have been done in taking possession of the building. After this both the communities will come together. The Sikhs cannot have that feelings of sanctity about the mosque which we Muslims have. They do not regard every inch of it as worth lakhs of rupees as we do. If they attach any value to it, it is only as a valued property and they should be prepared to give it up for a lakh or so. What is a lakh or two to a big community like the Sikhs? Now there are two communities at logger-heads and I think the third is coming in very shortly or has already come in. So the water of good-will has to be poured on the burning fire. The Sikhs can have the market value only of the site. The Muslims regard it as a sacred place and consider it above any value. Why should not the Sikhs take the money which the Government can arrange either from Muslims or in some other way, if the Muslims are not in a position to pay? There is no other possibility of additional police being employed. Already we are being asked to sanction Rs. 73,000. In future they will ask for more. Do you think a war-like community like the Sikhs should show this petty-mindedness?

Mr. President : Irrelevancy also has a limit. Is this the argument of the honourable member for voting against the demand? The motion before the House is for money to engage additional police and not for effecting conciliation between communities. (*Chaudhri Allah Dad Khan wanted to say something*). I do not allow my ruling to be discussed or criticised.

Chaudhri Allah Dad Khan: After the question is solved the Muslims will be ready to vote for the demand. If the Muslims find that there is a possibility of these mistakes being rectified, they will vote for it.

Mr. President : The honourable member may proceed.

Chaudhri Allah Dad Khan : I have said enough. With these words I resume my seat.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I was greatly hesitating whether to speak on this motion or not. The question has been constantly agitating my mind whether we should take part in this discussion or not, and up to the last minute my idea was to refrain from taking part in this debate. But somehow or other certain remarks made by some speakers regarding the attitude of the leader of the Punjab Hindus, Raja Narendra Nath, made me decide that I should really explain the position which we have taken all through this unfortunate and painful controversy. So far as the Hindus are concerned, I repudiate the suggestion and the insinuation made by Pir Akbar Ali that Raja Narendra Nath at any time egged on the Sikhs not to come to any terms with the Muslims. That is really a very mean suggestion because I know that Raja Narendra Nath with all his party was trying his utmost to bring about a conciliatory atmosphere.

Pir Akbar Ali : I take exception to the word "mean."

Mr. Nanak Chand Pandit : I withdraw the word. Honourable members who were invited by His Excellency the Governor to take part in these deliberations were doing their utmost to ease the situation. As a matter of fact every Hindu living in Lahore realises that so long as there is peace and order in this city, they are safe, otherwise if swords are to be brandished by 40 or 50 thousand on one side and 20 thousand on the other, then the only community that will suffer will be the Hindu community which is regarded as a peaceful community by both of the other communities, the Sikhs and the Muslims. On that ground we were very anxious and we have been throughout very anxious that this painful controversy should end to the mutual satisfaction of all parties. The point really is very simple. My honourable friends who have made very hot speeches and very moderate speeches and speeches of all kinds should try to grasp that point. Here is a community in possession of a particular religious institution. The highest court in the land has given a decision in their favour and it has been declared not once but many times and by the highest tribunal in the Punjab that the place belongs to the Sikhs and they have got a legal right to retain possession of it. On the other hand the other community thinks that the mosque really belongs to them not by any legal right but by moral right, a word introduced by the Government unfortunately in their *communiqué*. How is this matter to be decided? That is a plain and simple question. One community says "we are in possession of it and the law gives us the right to be there and the other community thinks that it has got the God-given right to be there because this is their place of worship.

Mr. President : The honourable member is irrelevant. Cases are pending in courts which will decide them in due course.

Mr. Nanak Chand Pandit : If you had permitted me to finish my sentence, you would have realised that I was coming to this point that there was a legal and lawful method, so long as the case was tried in the courts of law; and that there was the other method which was sought to be adopted by the crowd which was at that time unfortunately not led, by legally-minded people. Question was whether the Government should have permitted the mob to take possession of what had been given to the Sikhs by courts of law. That was the sole point for the Government. In order to maintain peace and in order to see that there should be no bloodshed, the Government are called upon to ask for more police. The question is whether the House will give them this grant or not. That was the point to which I was coming. There were only two methods by which this question could be approached. First was the legal right of everyone to go to courts of law to ask them to give their decision. This decision unfortunately went, from the point of view of Mussalmans against them and there was the other course which everybody knew was being pursued which was that possession should be taken by show of force. And if the two parties had come together anywhere near the mosque there would have been undoubtedly more bloodshed than the killing of fifteen or thirty men only. There would certainly have been any amount of bloodshed and any amount of that horror which the people of Lahore had been apprehending in their minds at least in those days. Therefore, if the Government, in order to keep the parties apart was under the painful duty of getting more men to keep

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peace and order, that course was the right course for the Government to pursue and the Council should see that point. I wish to present also another perspective to the House from which to view the matter. To-morrow, as has been emphasised by honourable members on all sides, when the rule over this province passes into the hands of the majority community, the Sikhs and Hindus fight about a particular gurdwara—not the Muhammadans—but let us say the Hindus and Sikhs fight, what would be the attitude of the Muhammadan Government? Will they permit the two communities to come to blows or would they have police placed at all places so that the two parties may not come to blows? Would they then be justified in refusing the grant to the Government if in those circumstances the police force employed was inadequate and the Government were under the necessity of adding some more policemen to their forces? That situation should be seen in this light. Take the case of the Hindus and Sikhs and forget for the moment that it is the Muhammadans and the Sikhs that are fighting at present. If the police force then appears to be inadequate, the question would be for the Muhammadan or the majority community in power to see that these two communities do not come to blows.

So far as I am concerned, I am willing to pay a tribute to the Muslim mob. The Muslim mob, as the Government in fact stated at that time, did not behave like a wild mob. It was an orderly mob. They did no looting; there was no burning of houses; there was no murders all round as there were in 1927 and 1928. And I, as a Hindu, feel that I should pay a tribute to that leaderless mob which behaved in a very restrained manner. I am not talking of those who were proceeding to the gurdwara but of the mob as a whole which passed through the streets and bazars without molesting anybody as a mob. Undoubtedly there were three or four assaults but they were the assaults of individuals on individuals. I would request honourable members to draw a distinction between the assaults by individuals on individuals and assaults of the mob as a whole on the peaceful citizens. That tribute, I think, must be paid and Government was justified in saying that the mob acted with restraint which was not to be found in 1927 or which in more recent days was not found in Ferozabad where we learn that the mob went and burnt Hindu houses with all the women and children therein. That leaderless mob had behaved much better than those which had leaders and which, under the lead of the leaders had committed great mischief in years past. That tribute, I think, is due to the Muslim mob on this occasion, and I may tell my Muslim friends what I as a Hindu, not only I, but many other people who have talked to me, many shopkeepers and others who had passed their nights and days in terror, in those days feel about the conduct of the mob. No doubt it was a mental terror but the demonstrations were such that no peaceful man could sleep in peace knowing not when the mob may get out of hand or may get out of its own temper and start burning or looting and destroying houses as we have seen happening many a time. Though those were nights of terror passed by the peaceful citizens of Lahore, I am stating the bare truth when I say that that leaderless mob acted with restraint so far as the peaceful citizens of Lahore were concerned. And that is a thing on which I congratulate the mob but not the leaders who only incited those feelings.

who, knowing very well that such a state of affairs was bound to occur inflamed the religious passion, appealed to the fanaticism of a community which according to them and according to us, places religion before everything else, religion as they understand it—though our view of religion is entirely different. That is one thing. At the same time I think the Government cannot escape the blame for writing certain foolish *communiqués* which were bound to give a wrong impression to the people, why, they have actually given that wrong impression that while the legal right was with the Sikhs, the sympathies of the Government so far as Government were concerned, were with the Muslims. Otherwise I cannot for the life of me understand why at such a critical juncture Government went on to declare that the moral right is something different from the legal right. That was not the proper time to draw this distinction. I dare say that even such an acute person, such a shrewd politician as Shaikh Muhammad Sadiq could not make the distinction between the legal right and the moral right. All Muhammadans understood that so far as the Government were concerned their sympathies were entirely with the other community than with the Sikhs, and this was, I think, a very grave blunder on the part of the writer of the *communiqué*. What was at the back of the mind of the writer we do not know, but they should have realised that these words were bound to be misunderstood and misconstrued and that, at a time, when the Government should have been very careful in regard to the use of words. Those words have done enough mischief and Government should in future take a lesson that when a certain thing is to be done at a critical moment it should be done so plainly as to be above board and free from all liability to misconstruction.

The demand before us has also to be viewed from other angles. The incidents of the Shahidganj affair has intensified communal bitterness in Lahore, in the province and even outside the province, in the North-West Frontier province for example. I went to Peshawar the other day and I found that from Nowshera a deputation of Hindus came to Peshawar informed the Hindu leaders in Peshawar that their shops were being picketed. The Hindus were not permitted to carry on their peaceful avocation of shopkeeping and many people had to leave the town. Similarly, incidents with regard to the boycott movement which is the direct outcome of this affair show that communal feelings have become so bitter that in many places where the Hindus and Sikhs are living in very small numbers they have found it impossible to carry on their profession of trade, money-lending or agriculture. That has been unfortunately the effect of this agitation on the minds of the public at large.

There is another act of the Government which cannot be understood by those who are regarded as a peaceful community. One could have understood that the Government should have permitted the carrying of the sword at a time when there was peace in the province. But at this time to proclaim that in the district of Lahore the licence restriction for keeping the sword is taken away is highly unwise. For, what do we see as a result of this? We see crowds on both sides with naked swords, with axes and other weapons. (*An honourable member: Kirpans?*) Yes, a sword means and includes a kirpan. If the honourable member knows the meaning of the term he would not have interrogated me. I am referring to both

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the communities and not to one of them. When members of the two communities armed in this manner parade the bazar, and the streets of the city, just consider what the result is likely to be. The Government should have thought of this. It is just like the keeping of a magazine of powder. At any time the match might be lit and cause the explosion. The crowds on both sides may lose control and many innocent people may suffer. The consequences are unthinkable, and we do not understand the wisdom underlying this removal of the ban on the use of the sword. I am not saying this because it is the Muslims or the Sikhs who are concerned. I would have said exactly the same thing had the Hindus been involved in exhibitions of this kind. Those who like to see the Punjab progress in peace and order, do not like these exhibitions of sword and kirpan and other weapons in this way. The only object which strikes one's view is that the one party wishes to see that the other is overawed by this action. I may state here that when I read the order, on the 7th of October, I wrote in a newspaper, that in future all elections would be contested by the Sikhs and Muslims with processions with naked swords drawn on both sides. During election time processions exhibiting weapons would be taken, I mean ordinary elections, not the communal elections but elections between Muslims and Muslims and Hindus and Hindus. Hardly did I know then that within fifteen days my forebodings would prove true, and that is what has happened. There is here a warning to the Government. That was a great blunder committed by Government.

There is one other thing. I was very pained to hear the speech of my friend Chaudhri Allah Dad Khan whom I now and then admire for his frankness. What did he say? He propounded the proposition which if he was in power and which if acted upon would make the minority communities fly away from this province. He said that because Muslims are in the majority on that ground the Government should have sided with them and should not have sided with the Sikhs, that is to say, should not have taken the side of law and order. (*Chaudhri Allah Dad Khan* : I gave other facts also.) Yes. The honourable member gave other facts also to support that argument. I do think that he should have followed the speeches and given expression to sentiments like other friends of his who have spoken. And I must here pay a tribute that the speeches made by his neighbour, Malak Muhammad Din, was conceived in a conciliatory spirit and did justice to all parties. And I do appeal to my Muslim friends and the Government that they should try to inspire confidence in the hearts of the minorities so that those minorities might acclaim the rule of the majority as the best rule over the province. I do say this and I will go on saying this whether my advice is listened to or not, that you can only rule this province by good-will, by winning the confidence of the minority and going a long way by making certain amount of sacrifices, just as the Hindus are doing in other provinces for the Muslim minorities there. (*An honourable member* : Where?) I can give the House hundreds of instances about other provinces where the Muhammadans are in the minority and the Hindus have shown their good-will by electing them as presidents of councils, by making them Ministers and Chief Minister, by allowing Hindi and Urdu stand on the same footing. All these instances could be recounted. But even if they are not behaving in that manner, even if elsewhere the majorities

are not acquitting themselves well, this province, as the frontier province, should give the lead to the rest of India. If in this province the three communities go on fighting, you may take it from me that there would be an invasion from the north-west side and if there is internecine turmoil it cannot be stopped. Therefore we must understand that we are not only the guardians of the people in the Punjab. We are the guardians of the people living throughout India. Therefore it becomes the duty of our Muhammadan brethren to take a long view of things and not a short and narrow view.

Whatever be their mistakes in the past, they should take a lesson from those who have been the rulers in the land. The name of Akbar is held in great esteem by all Hindus because he was a tolerant ruler. I am appealing to the sense of patriotism and the sense of justice and of fairness of the Muhammadans. Are the Hindus and the Sikhs to live in peace under the Muhammadan rule or not? Is it not time that they should show by their example when their hearts are lacerated that they are not thinking in terms of religion? Have the Hindus and Sikhs got one God and the Muhammadans another? If there is only one God, why should one section be agitated over the question that this place of worship is a place of worship of God of another community? Do they not know that there are many temples and places belonging to the Hindus in the possession of Muslims? They know it. I paid a visit to Benares last Christmas and on the sacred Ganges I saw a place looking half-temple and half-mosque. I asked the people there how that was and I was told that it was a temple once.

Pir Akbar Ali : You are wrong.

Mr. Nanak Chand Pandit : You do not know what you are talking. This half-temple and half-mosque was situated in Benares on the sacred Ganges. I am just submitting, as Pir Akbar Ali said, that if all houses of worship are one, if God is one, then why make a noise about this particular house of worship if it is in the possession of Sikhs? (*An honourable member :* Why demolish the house of God? Do not demolish it). I therefore appeal to my friends that they should take a long view of things. We do want peace and as a Hindu I will do my share in any movement for peace and conciliation, and nobody would be more glad than the Hindu community in this province in placing peace above everything else. Therefore it is an appeal to them that it is high time that for the sake of those who lost their lives in the Shahidganj affair and to avoid bloodshed or any rioting in the name of religion they should see things in the right way and not quite in the manner in which they are doing. They must remember that if both communities behave as they are doing to-day there cannot be any peace. One has to give way. Why ask the minority community to give way? Why should not the majority give way and thus win the confidence of the minority communities living in this province especially when the law courts have given the decision in favour of the Sikhs? I am making this appeal to them that they should go and preach from house tops that the time has come when as rulers of the future Punjab they should cease this hostile spirit and win the confidence of the two communities. With these words I support the grant under discussion.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural): In the "Tempest," Shakespeare has said: "Most busy when busiless." We have taken

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about three days over this discussion and what are we discussing? Sikhs are saying that a certain place in law and by possession belongs to them, and another community has now taken it into its head that 170 years ago this place belonged to it; though everybody knows that the building has been in the other community's possession for all this time, but just because this community happens to be in a majority in this province it thinks it has every right to get the building back if not by law at least by force. In a nutshell that is the crux of the debate, and the members are simply wasting their time by repetition. The place has belonged to us for 170 years, this is a place of worship for us and we want to keep it. It is a sacred place for us and the law courts have given it to us. How many days will we spend on this and with what result? "Most busy when busiless."

A point has been raised that the Sikhs have done a great sacrilege by demolishing this building which the Muhammadans called a mosque and the Sikhs called a part of their gurdwara. Now naturally one thinks that when the Sikhs allowed this building to stand there for almost two hundred years specially when there was no question of anybody questioning their right, why should they now think of demolishing it, as a matter of fact they have demolished it? Why should they have done that? I have thought over this question. I have been very closely in touch with the Sikhs, I was so even during the days when this controversy began. I even suggested at that time that it was no use demolishing this building because it was worth while keeping it as a trophy of the past and a relic of the past greatness of the Sikhs. I asked, why should they think of demolishing it? I think perhaps it was in a weak moment that the idea of demolishing that building was conceived; and why? Because some of us thought that as long as this mosque remains intact this question will again and again crop up every year or every five years, and therefore, why not do away with it? It was this mentality of the Muhammadan community, all the time interfering with and questioning the rights of the Sikhs to do anything which they wanted to do with this building, which was responsible for the Sikhs doing away with the building. That was the real germ and that is how the idea of demolishing that building was conceived, and I would say that the responsibility of getting it demolished lies with the Muhammadans and not with the Sikhs.

It has been repeatedly stated that Government had something to do with this act of the Sikhs. I do not hold brief for the Government nor is it my object that I should go out of my way to defend what they did and what they did not; but I know it from my personal knowledge, as during those days I was in touch with all the Sikh leaders who were acting at that time at Lahore, that the Sikhs never thought that the Government would allow it to be demolished or would appreciate its demolition. They actually started to demolish this building at the dead of night when perhaps they thought that nobody would get time to stop the process of demolition. (*An honourable member*: When was it demolished?) It was about midnight. I got this news early in the morning at Lyallpur on the telephone that quite a considerable portion of that building had already been demolished. Nobody at that time knew what was going on and if I am not mistaken perhaps

it was quite a considerable time after the work was begun that the Government came to know about it. A good deal of time has been spent upon attacking Government on that despicable small thing called the winch-crab. (*An honourable member*: Some one called it a wench) (*laughter*). I think that one sentence from me should remove all those doubts. This winch-crab was procured by a Sikh named Dhayan Singh who came from Gujranwala. Had any gentleman even cared to enquire from any responsible Sikh who could have told you all about it long ago? It is not Government property at all and it is such a small thing that it was not found to be of much use. It was used for a few minutes and then it broke down, I did go there myself the next day and saw people pulling down the pillars with ropes by hand and it was by hand that the building was mostly demolished. I am saying all this from my personal knowledge. (*An honourable member*: Then it was not Government property): (*The Honourable Mr. D. J. Boyd*: No). I will certainly blame the Government for one thing, that their policy in dealing with this question was a very halting one. If they had been firm from the very beginning, perhaps so many Muhammadan lives would not have been lost and so much mischief would not have been done. Perhaps the Government wanted to give them a long rope. They thought that after a few days the Mussalmans would come to their senses and nothing untoward would happen. I think to their bitter experience the Government learned that in such matters in this country a halting policy is not practical politics.

It has been said that the Government gave an assurance that the building will not be demolished till the Shiromani Gurdwara Committee had considered the matter at their meeting. I think there is a little confusion in this respect. Firstly the Shiromani Gurdwara Committee is not the body which is controlling or running this institution. The institution which controls this buildings is the local Gurdwara Committee constituted by the Sikhs of Lahore and the neighbouring districts. Secondly, the holding of a meeting by the Shiromani Gurdwara Committee had nothing to do with the demolition of this building or the keeping of it. This building was purely under the control of the local committee and therefore there is no sense in the Deputy Commissioner or any other official giving any such assurance to Muhammadans. If he did so he meant to infringe the rights of the Sikhs over that building. That was certainly an illegal assurance and the Muhammadan gentlemen should not have taken that assurance at its face value even if it was ever given.

It has been said on the floor of the House and the words have come even from the head of the Government, His Excellency the Governor, that the moral responsibility of demolishing this building lay with the Sikhs. I have been a student of law and I have tried to study this point. So far as jurisprudence is concerned, you will find that law is always based on morality and not on immorality. The law is always moral; and if the Sikhs had a legal right to demolish that property, certainly their action in demolishing that building is moral and no sort of moral responsibility can lie at the door of the Sikhs. It has been suggested again and again that Raja Narendra Nath and other Hindus in a way encouraged the attitude of the Sikhs and did not allow reconciliation to be brought about between

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the two sister communities. I may assure the House that there is nobody in this province who is more keen to bring about reconciliation between the two sister communities and to bring about peace in the province than Raja Narendra Nath. (*Hear, hear*). I think perhaps I am not letting out a secret if I said that Raja Narendra Nath and some of the most important Hindu leaders were not only for reconciliation but actually tried their best to make the Sikhs accede to a very great extent to the demands of the Muhammadans. How anxious and keen Raja Sahib was in the matter. every member of the House must have realised from his attitude at the meeting held at the Pipals. If things had been really left to Raja Sahib perhaps to-day we would have been calling him weak. Thank God we did not agree with Raja Sahib.

I submit that all this clamour is due to the feeling of one community to be supreme in the province. I am afraid they should have waited till the reforms had actually come into force. They are bound to come and I may say to-day on the floor of this House that the Sikhs will not submit to this kind of treatment and they will not let their sacred places on such excuse, as the shape of a building or for some other reason to be attacked and snatched away from them. We will always be out to establish our rights and claims, and do everything possible to safeguard our interests. (*An honourable member*: And ignore the rights of others?) Certainly not. In the end I will appeal to my Muhammadan brethren that no Government will be possible unless we co-operate with one another and recognise the rights of each community. It would be too much to expect from us that having held that building for over 170 years and having held it as a sacred place of our worship we should have given it up because some people in the town of Lahore took the idea into their head and some hundreds followed them, and several of the leaders whether they believed in the genuineness of their right or not, held up their position as they thought it was the cry of the whole community. It is indeed too much to expect from us to surrender to them our rights. We are not out for that. I have to say only one word about the speech of Chaudhri Allah Dad Khan. I congratulate him on the beautiful way he handled a situation in some district in the South-Eastern Punjab. With that congratulation I would only say that if he were given some bigger post of responsibility to-day I am afraid he would be able to run the province in as beautiful a way as he did in a smaller sphere at that time.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Non-official, nominated) (*Urdu*): It is very unfortunate that the debate on this motion has taken a communal trend and has surcharged the atmosphere with communal bitterness. I have listened to some of the speeches with a deep sense of disappointment. Certain remarks against one community and the other have indeed shocked and pained me. This exhibition of distrust and intolerance is most deplorable. We are unmindful of the mischief that these utterances will do. Our sorrowful plight cannot be better described than by quoting the couplet of the great Indian poet and reformer, Akbar of Allahabad. He says:—

اپنی منقاروں سے حافہ کس رہے ہیں جال کا
 طائر وں پر سحر ہے صیاد کے اقبال کا

The question before the House has unnecessarily been complicated by deviating from the main issue. The point for consideration is whether an increase in the additional police is essential and whether the existing state of affairs in the province justifies its continuation. I consider it inexpedient to recount the unpleasant and unfortunate happenings of the past. Any reference to these unfortunate happenings will stir up feelings of bitterness and make the situation worse. I would, therefore, answer the reproaches and uncalled for attacks made by my Sikh colleagues, with silence. I would, however, like to throw some light on one or two points. It has been argued that legal and moral responsibilities cannot go separate. It has been said that the Shahidganj mosque was the property of the Sikhs and they were legally and morally justified in demolishing it and that the Government had wrongly accused them of the moral responsibility. I may be permitted to say that even a legal act becomes a moral offence if the intention is bad. If a man buys a cow for sacrifice and takes it to the slaughter house in a procession through non-Muslim quarters he can certainly be charged of a moral offence though he is a legal owner of the animal and has every right to kill it. Or if a man buys a Quran or a Bible and throws it into fire or tears it before a Muslim or Christian crowd he will be guilty of a moral offence even though he is the legal owner of the book. As the question of legal rights of Sikhs and Muslims on the Shahidganj mosque is pending before the court I would refrain from making any comments over it. But I cannot help saying that it was most unfortunate and undesirable that the Sikhs in an afternoon in their weak moment decided to demolish the mosque and thus injured the feelings of their sister community. The Government has been accused of tactlessness in promising the return of the Shah Chiragh mosque to the Muslims. I have been pained to hear these remarks. Probably my friend is not aware that the Government had promised to return this mosque to the Muslims long ago and what they have now done is to have announced a probable date on which this promise would be fulfilled. My Sikh friends would much rather have taken a lead from this gesture than express their annoyance over it. As regards the exemption of swords from the operation of the Arms Act I may point out that the Government's action is based on justice. It is only fair that every community or section of the population should have equal rights to carry arms for self-defence. This decision of the Government cannot be termed as partial. It has as a matter of fact removed partiality and discrimination. We must realize that all of us have to live together and our prosperity and progress depends upon our unity and mutual goodwill. We should cultivate in ourselves the spirit of toleration and mutual goodwill and respect and regard for the feelings of others. I sincerely appeal to all my colleagues in the name of their religion and motherland to strive for peace and live as one happy family. We should learn a lesson from the glorious examples set by our forefathers. Is it not a fact that Mian Mir Sahib, a Muslim Saint, was given the privilege of laying the foundation stone of the great Sikh temple, the Golden Temple of Amritsar? Do we not find even to-day large jagirs attached to Sikh temples which were granted and attached with those shrines by the Muslim rulers? It would be a great shame if we do not maintain our great traditions.

I would now try to explain my point of view regarding the real issue before the House. The Government's case is fully explained in the

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explanatory memorandum on supplementary estimates. The Government had to raise the strength of the additional police to meet the grave and abnormal situation arising from the Shahidganj agitation and in order to relieve the police summoned from other districts of the province. No one can challenge the necessity of employing additional police in a grave situation which threatened the peace of the province. It is noteworthy to mention here that as long as the police was in charge of the situation not a single shot was fired on the mob. The firing took place when the control of the situation was handed over to the military on account of the inadequacy of the police. It is possible that if there had been sufficient police to control the situation the firing would not have taken place. Though the situation shows signs of steady improvement the danger of its revival is not yet over. I would much rather bear the burden of an additional police than see a repetition of firing. I know the province can ill-afford to bear such extra burdens but it rests with us to avoid these expenses by creating an atmosphere of peace. I would have been glad if this expenditure had been made unnecessary, by settling this dispute among ourselves and setting the controversy at rest. But until that fortunate time comes the additional police is indispensable.

The House should also realize that the summoning of reserve police from other districts to Lahore entails a lot of expenditure and upsets the work in the districts. The district police reserves are not maintained merely for emergencies but also to help in the general duties. In my district the police reserve is engaged in anti-cattle lifting campaign. Cattle lifting is a regular curse in many western districts of the Punjab and Muzaffargarh was probably the worst sufferer. Mr. Durrant, the Superintendent of Police, started a strenuous campaign to stop this evil. Mr. Garbett, Commissioner, Multan Division, when he visited the district first took a vow from the leading men of the district that they will sincerely co-operate with the administration to eradicate the evil of cattle lifting from Muzaffargarh in commemoration of Their Majesties' Silver Jubilee. Mr. Durrant organised police parties to raid the houses of cattle thieves and strengthened the river patrolling and *naka bandi* forces. The results have been astonishing. The crime has gone down considerably and it is steadily decreasing. The recovery of stolen cattle has attained a very high percentage. Now if the Muzaffargarh reserve is summoned to Lahore how much loss will it mean to Muzaffargarh district?

I would not be very long now and I would say just one thing more before I conclude. My non-Muslim friends have expressed apprehensions against the Muslim majority and the Muslim rule in future. Let me assure them, that these ideas are based on misgivings. In the Punjab the Muslims and non-Muslims are well balanced and there can be no danger of a predominant Muslim majority. Nowhere can a Government be a success if it does not enjoy the confidence and co-operation of minorities and the Muslims have never lost sight of this principle. Moreover, the past history of the Muslim rule in the Punjab is a clear evidence of this principle. The Sikhs should be the last to entertain doubts about the goodwill of Muslims because they came into existence and flourished during the Muslim rule. It is time that we should revive the high traditions of goodwill and mutual trust without

which we cannot progress and prosper. We must try to make our great province a place of happiness and peace. All of us are seated in one boat and in safety of the boat lies our own safety. We should unitedly try to steer it through the disturbed waters. I hope my friends will not be led away by sentiments in opposing this grant and will like practical men support the motion before the House. I support the motion before the house.

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

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : It is really a misfortune for a member of this House to catch your eyes, Mr. President, after two days regular practice in standing up and sitting down and to be allowed to speak when nearly everybody else has had his say and almost every one wants that the debate should be closed. But one aspect of the question has throughout been lost sight of by nearly every member who has stood up and taken part in this debate. I do not think it was present in the mind of the honourable member who started the debate that ultimately this debate would degenerate—I am sorry to say so—into a sort of wrangle between co-wives. (An honourable member : “ Who is the husband ? ”) You all know who is your husband. Do you not know that so far ? I do not think there was any occasion either for the Hindus, the Muslims or the Sikhs to lay the blame on one another. All that was relevant to the issue before the House was whether a grant for additional police in connection with Shahidganj should be voted upon or not. I may be permitted at this stage to submit that you, Mr. President, have been very indulgent and as a result all sorts of irrelevancies have crept into the debate and we have taken thrice the time that we ought to have taken to discuss a matter of this nature. I do not think that I am called upon to answer most of the members who had brought in things and given them a communal colour on the floor of this House. Nor do I think that there could be any justification for giving characters to various officers who had to participate in this unfortunate affair from time to time. But anyhow all this has been done and done quite unnecessarily and done by members some of whom are prominent members of this House. The simple question before you is whether Government stands absolved in what they did on the occasion of the Shahidganj agitation. I can justly claim that not a single member of this House on the non-official side including even my esteemed friend, Malak Muhammad Din and Pandit Nanak Chand, has supported the Government in what they did during the Shahidganj dispute. I concede that several of them had their different points of view, but they are all unanimous in condemning what the Government did. Some say that the Government failed because they did not do a certain thing. Others say Government failed because they were one-sided and were partial to a particular community. Again another section gets up and says, “ No, they failed because they did not appraise the situation.” But the condemnation is universal. There is not a single voice so far as the non-official benches are concerned which did not condemn the Government action. I again repeat that the condemnation is universal, consistent and thorough. After all this, one could have expected that some reply, convincing reply would be forthcoming from the official benches. We have

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been told not only here in this House but even in *communiqués* that the Government has throughout tried to adhere to legal principles, but my chief complaint, personally I would submit, is that the Government in this case has ignored law altogether. Government has not followed law and that is why we, who spent the best part of our lives in supporting law and order, and some of whom are as good citizens as anybody else in this House, for no love of agitation, for no desire to kick up a row, for no lust to abuse the Government, or for no love of setting one community by the other, get up one after another on this side of the House and blame the Government. We are not satisfied that the Government actually appreciated the legal position or the Government actually did according to what the requirements of the law demanded. That is what is agitating our minds. There is a sense of injustice, a sense of wrong done that makes us uneasy and to add insult to injury we are told at every stage that the Muslims have been favoured and the Government takes its ultimate stand upon the law of the land and vindicates its policy by a reference to the legal principles. I would submit that this position taken up by the Government is absolutely fallacious. I will not be long but I will just in brief touch the main legal points that are involved in the position. In the first instance, has not the Government or its members who are responsible for advising the Government on matters legal come across section 99 of the Indian Penal Code? Does not that section say that there is no right of private defence of person or property when there is time to have recourse to the authorities? Is it not the first principle of law so far as the protection of rights of individuals is concerned? Well, if this is the law of the land, could there be any justification for allowing *jathas* to enter the Gurdwara parading through the city with raised weapons such as hatchets, Kirpans and all sorts of offensive things? If the Government knew, if the police knew, if the district authorities were aware that there was going to be a dispute over the Shahidganj Mosque and a likelihood of the breach of the peace why did they tolerate this menace to society? This is the legal position. There is no right of private defence of property or person left in the Sikhs and they cannot exercise it after the police is cognisant of the dispute and they cannot be permitted to thus assemble there; they cannot be permitted in any way, by any threat of force, to maintain that right once the authorities take cognisance of the thing. Why was all this allowed? It might be that some honest mistake was made by certain persons on the spot. But has the Government the grace to admit this? Has Government made any attempt so far to pacify our feelings by telling us that they were in the wrong, by using a word of six letters "regret." The legal position was not realised or appreciated at the moment. After that, when the police and the district authorities and everybody knew fully well that there was likelihood of a breach of the peace, what did they do? They prevented all ingress to that Gurdwara; they prevented all ingress to buildings and houses adjacent to the Gurdwara or just near it. They closed the high way to the public. What were the consequences? Supposing I had a house near the Gurdwara, that house belonged to me for the last seven generations, I had perfect rights of ownership in that house; nobody could prevent me from having my free ingress into that House. The Government put a ban; they prevented me from entering that house. My private rights of property

were interfered with. Why was it done? To uphold the rights of Sikhs to enter the Gurdwara. I ask in the name of justice and fairness, why is it that you upheld the rights of the Sikhs to the Gurdwara and ignored or took away equally sacred rights of others? This plea of upholding judicial rights of the Sikhs falls to the ground. You say that you have been administering justice. You say that you take your stand on law. Do you think that the law is so absurd as to allow such invidious distinctions? There is another aspect of this question, a most important one, which has been lost sight of throughout? The case is *sub-judice*. But I will give an assurance that my dealing with the point would not in any way interfere with the course of justice. There is alleged to be a tomb inside that Gurdwara. It is claimed that it was the tomb of a Pir, a Murshid of Aurangzeb. The tomb of Kaku Shah is alleged to be within the precincts of the Gurdwara; it has been there for centuries. I was the other day reading the evidence of the patwari in the case which is *sub-judice* and is going on in the court of a Lahore magistrate. It appears from revenue records that a particular person is a Mutwali of the tomb.

Mr. Deputy President : Paragraph 59 of the Manual of Business and Procedure reads :

A member while speaking shall not refer to any matter of fact on which a judicial decision is pending.

Shaikh Abdul Ghani : I abide by your ruling, but what I understand from the passage which has been read out to me is that I am not debarred from saying that there is a tomb called Kaku Shah's tomb that is within the precincts of the Shahidganj Gurdwara. There are certain rights of certain persons in that tomb. Certain persons have the right of ingress to that tomb, the right to worship and to see that the tomb is not in any way interfered with. All these points can be touched upon though the matter is *sub-judice*. What I was submitting was simply this that certain Muslims are alleged to have certain rights in that tomb which was within the precincts of the Gurdwara. What justification can there be for the Government to prevent me, for instance, for once to pay a visit to that place out of respect for that saint? What justification is there for the Government to ask me not to enter the Gurdwara? What justification can there be for the Government to ask the Sikhs to completely possess that building and not allow any Muslim to enter it? Why did they post police and military there? Was it the idea that Muslims should not have ingress to that tomb to worship and that Sikhs should be left in the perfect enjoyment of what is there enclosed within the building? What I am submitting is that in their anxiety to preserve and maintain the Sikh's right of possession, they lost sight of the fact, that they were trampling upon an equally sacred right of the Muslims. I would not go so far as to accuse them of deliberate sacrifice of Muslim claims, but they in their zeal were so carried away that they lost sight of the fact that there was a tomb of a Muhammadan saint inside and that Muslims had been exercising the right of worship over it. Again in the mob that wanted to go up to the Shahidganj and who were subjected to firing there might be persons who were proceeding to the tomb and whose legal right to do so was unquestionable, and who were entitled under the law to as much protection as the Sikhs—were forcibly prevented from the exercise of their vested right. The

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result was that people who were equally entitled, as much entitled as the Sikhs were to remain in possession of the Gurdwara, were debarred from entering that Gurdwara. Here again I say that there was a serious miscarriage of the law of the land. My submission is that it is just possible in that upheaval, I would call it so, under the stress of circumstances in those very very great difficulties, the officers who were on the spot or other high officials who were concerned with the Shahidganj embroglio may not have appreciated or realised the legal position, but I think after such a long time, after the lapse of months, now everybody realises that mistakes were committed in the handling of that affair and especially legal mistakes. Certain sections of the population were debarred from the exercise of their legal rights and the Government itself forcibly kept them at bay. If this is the position and if the Honourable Finance Member agrees with me that his Government did commit mistakes, then of course here is an opportunity for his government to allay the feelings of the muslims. This motion of my learned friend gives the Government an opportunity to come out with an expression of regret and say on the floor of this House, that the difficulties of the situation were abnormal, we did our best to keep the situation under control, we are human beings and so are our officers, but certain things that were illegal and against which you take just offence were committed, we realise the intensity of your feelings and we are sorry for them. If this is done, then I for one would be satisfied and I am sure many persons, would also be satisfied with what the Government did. After all, it is no pleasure for us, having been with the Government throughout our lives, having been doing what we could on the side of order and good government, now to find ourselves pitched here by the force of circumstances against the Government, why, because we feel, honestly feel that Government has not been just to us, consciously or unconsciously they have committed acts and done things that give us offence and here is an opportunity for the Government, if they really care, if they have any regard for the feelings of those whom they govern, that they might get up and say "here we are, we committed these mistakes and we are sorry for them". I was expecting the Legal Remembrancer to throw light on these involved and tangled points of law. He took shelter behind the excuse that the matter was *sub-judice* and that they could not use section 144, Criminal Procedure Code, because they could only use it judicially. Who asked the Government to use this section unjudicially? Are we here to ask the Government to commit illegalities? Can there be any object in us to ask the Government to do things that are not strictly justified by law? We are responsible citizens, representatives of the people. We know that we are here to help the Government at every reasonable step, we could not have asked the Government in any way to do things that are not justified strictly by law. Simply to get up and say that they are enjoined by law to make a judicial use of section 144, Criminal Procedure Code, and as the House knows, they could not have proceeded otherwise, simply on this assurance of the learned Legal Remembrancer we should absolve the Government of all acts of illegality that they have committed, it is too much to expect. I do not think this policy of hush hush would help the Government. They should come out with a complete defence, if they have any. There are many points other than these which could be urged, but this is neither the occasion nor the time for me to dilate upon those, because

after all the Government is not on trial here. It was only to explain a few legal fallacies that I gave you just a few instances wherein the Government mishandled the situation and acted against the law of the land. If the Government agrees with me there is an occasion for them to say that they had no intention of disobeying the law of the land, but as the situation was abnormal, their difficulties were enormous at the moment and they did things which might be interpreted to militate against the law of the country and so they are sorry for that. I think so far as the Government are concerned, many of the Muslims would be satisfied on that point. (*Hear, hear.*) There is yet another aspect of the question. The Government has been accused of being partial to Muslims. I do not think the gentlemen who brought forward that charge were serious. They must have made this remark in jest rather than in earnest. But had not a similar situation arisen previously and had not the Government dealt with it by thoroughly going out of its way? We remember the Akali movement in this province. That Akali movement was responsible for an extraordinary measure in the shape of Gurdwara Act. What was the effect of passing that measure and what did the Government countenance?

(*At this stage Mr. President resumed the chair.*)

The Honourable Mr. D. J. Boyd : It is not an Act of the Government.

Shaikh Abdul Ghani : Act of the Legislature as represented by the Government.

The Honourable Mr. D. J. Boyd : No Sir, it was a private Bill passed by this Council.

Shaikh Abdul Ghani : With the support of the Government. Was the Government opposing that Bill at any stage? I was not in the Council then but I know it was passed with the full assent of the Government. The Government has been administering that measure for many years. What was the object of that measure and what was the manner in which that measure worked? The object was to deprive certain persons, certain institutions in the country of their rights of ownership of private property. Why? Because a certain section of the population could not be properly controlled and could not be satisfied. The Government found it difficult to cope with the Akalis. If this Government was prepared to go so far for the sake of a certain community, if this Government and its tribunals even today at the expense of the tax-payer are administering that law, I would not call it unwholesome, I would not say unjust or anything of the sort, but if this law which means that private rights of certain persons should be given away to another section more vocal, stronger, with a better organisation behind them and more troublesome to the Government than another section of the population, if all this could be done, are not the Muslims justified if they level these accusations against the Government and complain that in an extraordinary situation they did not act sympathetically? We did not want forcible possession of Shahidganj. All that we wanted was that the mosque should not be demolished, not for ever, for a few days, for a few months, before our attempts to bring about a conciliation could bring fruit. That was the object. Do you really believe that fortified by all the legal enactments, by all legislation that is there the Government were really helpless, so helpless, that they could not, if they wanted, prevent the demolition, fortified by the law of the land under Section 144 which was being applied against the Muslims against the shop-keepers who

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resided in front of the Shahidganj building and which was being used against the worshippers who had a right to go and have a free access to the tomb of Kaku Shah? When the Government were doing all this, they could, if they respected the feelings of a loyal community, a community which is blamed for its loyalty by the sister communities, have found legal means of stopping the demolition. Could they not if they so wished it respect the feeling of such a loyal community by taking courage into their hands and enforcing the law of the land as it existed? It has given the Mussalmans a just cause for thinking that as they are disorganised having no organisation behind them, as they are very weak and Government did not expect any very strong opposition on their part, therefore the line of least resistance was adopted and the Government did what they thought at the moment would be best to hush up the thing. If this is true, it really discloses a deplorable state of affairs. With these remarks I will resume my seat and make a final appeal to the official benches to reconsider the position. After all we have been helping you in every sensible measure that you have brought here before this House, we have all along been with you and we now expect that if you really believe that after this exposition by me the law of the land has not been followed as it ought to have been a mere expression of regret on your part would pacify us and so far as this particular quarrel between the Government and the Muslims is concerned there will be an end to it. (*Hear, hear.*)

The Honourable Mr. D. J. Boyd (Finance Member): In the first place I would like to thank you for reminding the House of the healthy parliamentary convention by which when a member makes a statement, he at the same time makes himself responsible for its accuracy, and I venture to agree in your view that no member can be held to have made himself responsible for the accuracy of a statement until he has taken the trouble of verifying it. When you enunciated that axiom of parliamentary practice I had high hopes that the debate would be conducted on a level which we should be proud of, but I am sorry to say that I have seldom in all my days heard such a stream of falsehood and false misrepresentations, as I have heard from several of the speakers during the course of this debate. In the early stages of the debate, one of the arguments that was constantly quoted to show that Government was contributing to the demolition of the mosque, was the argument about a crane, an enormous big structure, which had been somehow or other smuggled into the mosque with the connivance of the Government. It was even suggested that it was lent by the North-Western Railway and that by its means the mosque was demolished.

I am very grateful indeed to Sardar Sampuran Singh for exposing the utter falsehood of that story. After those allegations were made about the crane we took the trouble to make some enquiries. We received a categorical denial from the North-Western Railway and also from the military authorities that they had ever supplied any such implement. We also found the photograph of the implement which far from being a crane or even a winch or a windlass was a small pulley round which chains or ropes were supposed to be passed to help in the pulling down of the mosque. We further heard that this particular implement had been got from some dealer in old scrap iron, bought or borrowed, whatever it was, from him. We have heard the whole truth from Sardar Sampuran Singh that this implement was supplied by a

Sikh called Sardar Dhyān Singh and had never belonged to Government. I only regret that Sardar Sampuran Singh did not succeed in catching your eye much earlier in the debate when much trouble might have been avoided if we had received this explanation earlier. But there is another thing about that explanation which I very greatly regret indeed. When Sardar Sampuran Singh made his statement I expected that the members of the House who had made allegations against Government on the basis of the supply of this implement, I expected that they would at once rise to a personal explanation and apologise for the foul calumnies which they had uttered. Instead of that they sat absolutely still having thrown mud at Government without any apology whatever.

Chaudhri Afzal Haq : I rise to a point of order. The Government admitted that up to this time they were not even aware of the facts regarding the winch. Government further admitted—

Mr. President : Is it a point of order or a speech ?

The Honourable Mr. D. J. Boyd : Or is it an apology ?

Chaudhri Afzal Haq : I wish to point out that Government up to this time did not inform the House whether that winch was obtained by the Railway Department or from any other place. It is now that Government state the facts regarding that implement.

The Honourable Mr. D. J. Boyd : And now, does the honourable member withdraw what he said ?

Chaudhri Afzal Haq : Let us hear what the Government want to say in the matter. After hearing them in full we would give our view.

The Honourable Mr. D. J. Boyd : I have not yet heard any expression of regret from the honourable member for the wicked misrepresentation which he has made.

Chaudhri Afzal Haq : We will not allow the expression wicked misrepresentation.

Mr. President : Does the honourable member wish to give a personal explanation ?

Chaudhri Afzal Haq : Our statements were made on the basis of what the Government said in this House and the Honourable Finance Member has no right to abuse us. He said, "wicked statement." That wicked statement is already here. The Government have admitted that the winch was used. What has the Government to say to that now ? The expression "wicked statement" should be withdrawn.

Mr. President : The honourable member's point of order is that that expression should be withdrawn.

The Honourable Mr. D. J. Boyd : May I ask, on what ground I should withdraw that expression ?

Mr. President : On the ground that it is unparliamentary.

The Honourable Mr. D. J. Boyd : If you rule that the expression "wicked statement" is unparliamentary, I will withdraw it. I do not think it is an unparliamentary expression.

Mr. President : I will look into the matter and ask the Honourable Leader of the House to withdraw the expression, if I consider it unparliamentary.

Chaudhri Afzal Haq : Not only this but there are other expressions of the kind which the Honourable Member has used. He said, "mean attack," "foul calumnies." It means that if the Honourable Leader of the House uses such words we have every right to abuse the Government in a similar way.

Mr. President : The honourable member objects to the expressions, "mean attack," "wicked misstatements" and "foul calumnies." I will give my ruling before the business of the day is interrupted.

The Honourable Mr. D. J. Boyd : Another member of this House said in his speech that all traffic was stopped at noon on the 7th July except for the motor lorries which had taken cranes and winches to the spot. This is a misrepresentation, once again—it is very difficult to express myself with mildness—of a very unpleasant form indeed. The member said that Government stopped all the traffic on the 7th before demolition commenced except for the motor lorries which took this crane to the Shahidganj mosque, the implication being that the implements were sent there by Government to demolish the mosque. That fable has now been demolished thoroughly and utterly by Sardar Sampuran Singh. Is the member prepared to apologise? Apparently he is not. Very well. We know now how to judge the rest of his statements. That particular statement has been nailed to the counter and I think we can weigh the value of the other statements of the member by the absolute disproof of this particular one.

Chaudhri Afzal Haq : Will the Honourable Member please give the name of the member who made that statement?

The Honourable Mr. D. J. Boyd : Is that a point of order, Sir?

Mr. President : No. The honourable member has asked a question through the Chair. The Honourable Leader of the House may answer it.

The Honourable Mr. D. J. Boyd : I am delighted to name the member. It was Maulvi Mazhar Ali Azhar, and I invite him to apologise.

Maulvi Mazhar Ali Azhar : I would submit that the Chief Secretary and the Leader of the House said on the opening day of the debate on what understanding these things were given by the railway authorities. And after that statement of the Government I am not prepared to say that anything that I said was wrong.

The Honourable Mr. D. J. Boyd : I now understand what the honourable member is up to. Chaudhri Afzal Haq said that he had been informed by a respectable person that the winch or whatever it was had been supplied by the North-Western Railway. It occurred to me that if it had been supplied and I relied on the honourable member's statement it must have been supplied to a Sikh contractor for the sake of his railway work. That is why I asked, on what understanding it had been supplied. A perfectly natural question. Out of that, in the atmosphere of suspicion, the member, Maulvi Mazhar Ali has woven a web of the Government's stopping the traffic by noon on the 7th of July in order that the crane supplied by Government

might be taken in to help the demolition of the mosque. After that I think the House can understand what weight should be attached to the speech of the member. It was replete with misstatements, and there were so many of them, and they were so gross that I think the member defeated his own object because no one could possibly swallow them.

There is one other misstatement which I must mention. I do not think that it was an intentional misrepresentation. It was a misunderstanding, I believe, as to fact, that the honourable member for Sialkot mentioned. I would like to quote his own words: He said: "The squad of police within that garden opposite Mian Abdul Aziz's house shot at the crowd." The police did not fire one single shot from the beginning to the end of the Shahidganj agitation. I do not for one second think that that was an intentional misrepresentation. It was I presume either a slip of the tongue or a misunderstanding. But it is something that must be corrected. (*Chaudhri Asadullah Khan*: Did I not say, probably?) I think it will be found in the report of the honourable member's speech.

The most serious charge that has been made against the Government in the course of this debate is, I think, with regard to our failure to arrange for an enquiry. That particular matter I would now like to deal with. In the first place I must make it perfectly clear that there has never been any suggestion either from the India Office or from the Government of India that there should be an enquiry. And the issue was not whether the Punjab Government should resist the suggestion for an enquiry but whether the Punjab Government should ask for one. The matter was very carefully considered and for many reasons the Punjab Government would have welcomed an enquiry. (*Hear, hear*). They had nothing whatever to conceal and no reason whatever to suppose that the enquiry would not result in the complete vindication of their conduct. It was totally unnecessary to enquire into the conduct of their officers because from the outset the Government were in close touch with the local officers and no step of importance whatever was taken without the knowledge and approval of the Government. (*An honourable member*: That is why an enquiry is necessary.) This is an important statement because attacks have been made upon the Deputy Commissioner and the City Magistrate. I would like to assure the House very definitely indeed that no step of any importance was taken without the knowledge and approval of Government, I mean by the Deputy Commissioner and his staff. So far as the Punjab Government themselves are concerned there was no need to satisfy themselves regarding the conduct of their officers. On the contrary we had the most intimate knowledge of the devotion, courage and endurance with which the district officers and the police carried out their most unpleasant duties in the most trying circumstances. No inquiry whatever was necessary on these matters.

Again, with regard to the conduct of the military. We were fully cognizant of the excellent services rendered by the military authorities and the troops and the restraint exercised by them in difficult circumstances. I would remind the House that firing had to be resorted to most unfortunately, on ten occasions but only 23 rounds in all were fired—an average of 2·3 rounds per occasion. I doubt whether in the whole history of quelling riots such restraint and such control have ever been shown before. Knowing that the conduct of the

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troops had been exemplary and after we had ourselves called upon them to disperse the mob, it would have been grossly unfair to have called for an inquiry into their conduct. Any inquiry must so far as the firing is concerned has been limited to the circumstances leading thereto, that is to say into the conduct of the local Government itself. It would have had to embrace all the circumstances which led up to this deplorable affair. As I have said the local Government would have welcomed such an inquiry and not the least of its advantages would have been that it would have scotched the misrepresentation of facts, sometimes deliberate, sometimes possibly accidental, that has been going on from the beginning of the agitation. But while we would for many reasons have welcomed an enquiry because we had an absolutely clear conscience, there were other considerations which weighed very strongly against it. The affair did not stop with the events of July last. The agitation is in fact still going on. Does any one seriously believe that an inquiry would have improved the atmosphere? We have at the present moment our local officers taxed to their utmost to keep the peace and carry on the administration of the district. How are they going to do it if to their difficulties is added all the complication, all the excitement involved in an inquiry? It would definitely have prejudiced the interests of peace if during all this time an inquiry had been in progress. It was for these reasons that the local Government decided with the most careful thought not to ask the Government of India that an inquiry should be held.

Another charge or complaint which was made, I think, by Mr. Sadiq, was that the local Government kept the Muslims in the dark, regarding their view of the legal position. I am sorry that a complaint was made that Government kept the Muslims in the dark with regard to their view of the legal position, and their powers of dealing with the situation which resulted from the various findings of the courts. Similar allegations have been made from time to time in the Press and outside this House. They are entirely without foundation. On the 6th of July the Punjab Government first met a deputation of Muslim gentlemen and made it perfectly clear to that deputation, that, having studied the legal position, they had no doubt whatever that the only satisfactory solution of the problem was by an understanding between Muslims and Sikhs. It was very definitely our opinion then and still is. We promised to do our best to bring about such an understanding and we kept our promise. We did what we could to bring it about but unfortunately we failed. I do not think that the failure can be laid at our door. We did what we could. Again, we met the same deputation on the 7th of July and again made the position clear and moreover warned the deputation that, while the Sikhs—it is a little bit difficult to put it, and but I am trying to say that the Sikhs at the time gave Government to understand—at least that is what we then understood—that demolition would not take place, at any rate until after a meeting of the Shiromani Gurdwara Prabandhak Committee to be held on the 8th of July, the prospects of reaching an understanding were certainly doubtful. We explained to the Muslim deputation that we regarded the prospects of understanding doubtful. In regard to our view of the situation at that time we were fortified later by the announcement which was made by the party to which Chaudhri Afzal Haq and Maulvi

Mazhar Ali Azhar belong. Their declaration was made on the 23rd of July in which they took exactly the same view as the local Government of the legal position as it then existed which was our view of the position. Our view of the position was exactly that taken by the Ahrar Party in their statement of the 23rd of July.

One or two words about the general position. Our position has been clear throughout. It has been based on the axiom that it is our business to maintain law and order. We are bound by the decisions of the civil courts and, as the law stands, it is not open to the executive authorities to set those decisions aside or to ignore them. If under the ordinary processes of the civil law, the legal rights of the parties are modified or reversed, the local Government will adopt the same policy of protecting or, if necessary, enforcing the rights as then established. Unless and until the law is changed, there is obviously no other course open to us, so far as the exercise of our legal powers is concerned.

On the executive side, we advocate what we have always believed to be the only satisfactory solution, that is, the voluntary abstention of the party in possession from acts which, whatever the legal rights may be, cannot fail, in the present atmosphere, to give offence to another community, and the local Government, so far as is within their power, will do all that is possible to assist the acceptance of this view. But it has to be realized that the attainment of this object demands an atmosphere far different from that which has prevailed during the past few months and which is prevailing now. Mass demonstrations, such as we have recently seen, the enrolment of volunteers and the continued threat of civil disobedience are not the conditions favourable to a solution. They inevitably create an atmosphere which encourages isolated outrages, and these outrages in turn intensify communal feelings and create grave danger of a general conflagration. They are obviously inconsistent with the conditions which the local Government regard as precedent to a generous response on their part. A few days ago, I announced the policy of Government in this respect. I am referring to my announcement of the concession which Government was prepared to make provided either that there was an agreement between the two communities with regard to the matter under dispute or provided that the agitation was confined to strictly constitutional lines. That policy has not changed, but I must remind the House of the conditions which I stated as essential, namely, the preservation of law and order, and the conduct of the agitation on constitutional lines. These were the chief conditions. Unhappily there have been few signs of improvement since I made that statement. On the contrary, the communal situation has been one of constant and increasing danger, which requires the unabated vigilance of Government and its officers. Far from allowing any reduction of the additional police that were previously employed, it has been necessary to increase their number by 300, and I must warn the House that, if the situation further deteriorates, it may be necessary for Government still further to increase their number. As Finance Member, I deplore the additional expenditure involved at a time when it is most desirable that we should conserve our resources: but as Home Member I shall be failing in my duty if I do not realize the necessity and take the necessary precautions against a dangerous situation. Whatever may be the feelings of individual members of this House regarding the merits or

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demerits of events connected with the Shahidganj, I am confident that Government will have the full support of the House as a whole in taking what measures they believe to be essential for the preservation of peace.

I am also confident that members of this House to whatever community they may belong, most ardently desire that peace should be restored among the communities, and that some arrangements may be reached, which will end this agitation. It is to no one's benefit that it should continue, and it is essential for the good of the province as a whole, that it should cease. In the present state of excitement, it is difficult to take dispassionate views, and that by itself is a most cogent reason why every one should work to secure a calmer atmosphere in which the efforts of moderate and reasonable men may have better chances of success. I can assure you that Government on its part will spare no efforts to secure this: but their efforts must have the support of all men who have the interests of the province at heart, and more particularly of members of this Council. (*Applause*).

Mr. President: According to Sir Erskine May—

“The imputation of bad motives, or motives different from those acknowledged; misrepresenting the language of another, or accusing him, in his turn, of misrepresentation; charging him with falsehood or deceit; or contemptuous or insulting language of any kind—all these are unparliamentary.

This is the general rule. Now I will give my opinion on the three expressions which have been taken exception to. The first is “foul calumny.” The expression “gross calumny” is held to be unparliamentary. So, I hold that the expression “foul calumny,” which is worse than “gross calumny” is unparliamentary.

The next expression is “mean attack.” The expression “malignant attack” is held to be unparliamentary. So, I hold that the expression “mean attack” is unparliamentary.

The third expression is “wicked statement.” I am doubtful whether this expression is unparliamentary. Therefore, I rule that “false calumny” and “malignant attack” are unparliamentary expressions and should be withdrawn; but as to the third expression—“wicked misstatement”—the honourable member shall have the benefit of the doubt.

The Honourable Mr. D. J. Boyd: I accept your ruling. But at the same time I think it is grossly unfair to withdraw the description of statements which are definitely not correct and which have definitely been proved so by the statement of other non-official members. Those statements have not been withdrawn and I think it is a bit hard; but I have got to withdraw the description of those statements.

An Honourable Member: Has the Honourable Member withdrawn those expressions?

Mr. President: Yes. He has.

6 P.M.

The question is—

That a supplementary sum not exceeding Rs. 72,670 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, 1936, in respect of police.

The Council divided : Ayes 44, Noes 24.

AYES :

Abdul Aziz, Khan Bahadur Mian.	Manohar Lal, Mr.
Anderson, Mr. J. D.	Mayadas, Mr. E.
Askwith, Mr. A. V.	Mohindar Singh, Sardar.
Balbir Singh, Rao Bahadur Captain Rao.	Mukerji, Rai Bahadur Mr. P.
Bhagat Ram, Lala.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Bishan Singh, Sardar.	Muzaffar Khan, The Honourable Nawab.
Bourne, Mr. F. C.	Narendra Nath, Diwan Bahadur Raja.
Boyd, The Honourable Mr. D. J.	Nathwa Singh, Chaudhri.
Bradford, Mr. W. G.	Nihal Chand Aggarwal, Lala.
Buta Singh, Sardar Bahadur Sardar.	Puckle, Mr. F. H.
Chetan Anand, Lala.	Pandit, Mr. Nanak Chand.
Dobson, Mr. B. H.	Parkinson, Mr. J. E.
Fazl Ilahi, Khan Sahib Shaikh.	Rahman, Khan Bahadur Dr. K. A.
Firoz Khan Noon, The Honourable Malik Sir.	Ramji Das, Lala.
Grindal, Mr. A. D.	Ram Sarup, Chaudhri.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Roberts, Professor W.
Jawahar Singh Dhillon, Sardar.	Sampuran Singh, Sardar.
Jogendra Singh, The Honourable Sardar Sir.	Sewak Ram, Rai Bahadur Lala.
Kesar Singh, Rai Sahib Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Labh Chand Mehra, Rai Sahib Lala.	Shave, Dr. (Mrs.) M. O.
Macfarlane, Mr. D.	Sheo Narain Singh, Sardar Bahadur Sardar.
Mangal Singh Man, Sardar.	Ujjal Singh, Sardar Sahib Sardar.

NOES :

Abdul Ghani, Shaikh.	Muhammad Amin Khan, Khan Bahadur Malik.
Afzal Haq, Chaudhri.	Muhammad Eusoof, Khwaja.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Raza Shah Gilani, Makhdamzada Sayad.
Akbar Ali, Pir.	Muhammad Sadiq, Shaikh.
Allah Dad Khan, Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Asadullah Khan, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Faqir Husain Khan, Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Ghani, Mr. M. A.	Nur Khan, Khan Sahib Risaldar Bahadur.
Habib Ullah, Khan Bahadur Sardar.	Nurullah, Mian.
Haibat Khan Daba, Khan.	Umar Hayat, Chaudhri.
Mazhar Ali Azhar, Maulvi.	Zaman Mehdi Khan, Khan Bahadur Malik.
Mubarak Ali Shah, Sayad.	
Muhammad Abdul Rahman Khan, Chaudhri.	

EDUCATION (RESERVED).

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to move—

That a supplementary sum not exceeding Rs. 34,720 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, 1936, in respect of Education (Reserved).

The motion was carried.

PUBLIC HEALTH.

The Honourable Malik Sir Firoz Khan Noon (Minister for Education) : I beg to move—

That a supplementary sum not exceeding Rs. 7,000 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, 1936, in respect of Public Health (Transferred).

The motion was carried.

AGRICULTURE.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : I beg to move—

That a supplementary sum not exceeding Rs. 14,330 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, 1936, in respect of Agriculture (Transferred).

The motion was carried.

INDUSTRIES.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I beg to move—

That a supplementary sum not exceeding Rs. 4,19,052 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, 1936, in respect of Industries.

The motion was carried.

CAPITAL OUTLAY ON INDUSTRIAL DEVELOPMENT.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I beg to move—

That an additional sum not exceeding Rs. 1,750 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, 1936, in respect of Capital Outlay on Industrial Development.

The motion was carried.

MISCELLANEOUS (RESERVED).

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to move—

That an additional sum not exceeding Rs. 1,00,000 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, 1936, in respect of Miscellaneous (Reserved).

The motion was carried.

MISCELLANEOUS (TRANSFERRED).

The Honourable Malik Sir Firoz Khan Noon (Minister for Education): I move—

That a supplementary sum not exceeding Rs. 77,730 be granted to the Punjab Government (Ministries of Education and Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March, 1936, in respect of Miscellaneous (Transferred).

The motion was carried.

HYDRO-ELECTRIC SCHEMES—WORKING EXPENSES.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I move—

That an additional sum not exceeding Rs. 50,000 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, 1936, in respect of Hydro-Electric Schemes—Working Expenses other than Establishment.

The motion was carried.

STATIONERY AND PRINTING (RESERVED).

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

That a supplementary sum not exceeding Rs. 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, 1936, in respect of Stationery and Printing (Reserved).

The motion was carried.

CIVIL WORKS (TRANSFERRED).

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture): I 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, 1936, in respect of Civil Works (Transferred).

The motion was carried.

PUBLIC WORKS DEPARTMENT, BUILDINGS AND ROADS ESTABLISHMENT.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture): I move—

That a token sum not exceeding Rs. 10 be granted to the Governor in Council and 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, 1936, in respect of charges on Public Works Department, Buildings and Roads Establishment.

The motion was carried.

HYDRO-ELECTRIC ESTABLISHMENT.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I 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, 1936, in respect of charges on Public Works Department, Hydro-Electric Establishment (XXX-A—Working Expenses and 58—Capital Expenditure (Transferred)).

The motion was carried.

CIVIL WORKS—CAPITAL EXPENDITURE.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : I 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, 1936, in respect of Civil Works—Capital Expenditure.

The motion was carried.

HYDRO-ELECTRIC SCHEMES (CAPITAL EXPENDITURE).

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I 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, 1936, in respect of Hydro-Electric Schemes (Capital Expenditure).

The motion was carried.

The Council then adjourned till 2 P.M. on Monday, 18th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 18th November, 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

REPRESENTATION OF LAHORE TONGA WORKERS' UNION.

***5068. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether any representation on behalf of the Lahore Tonga Workers' Union, Lahore, was made in 1934 to (i) the Honourable Minister for Local Self-Government, (ii) the Inspector-General of Police, (iii) the Deputy Commissioner, Lahore, (iv) the City Magistrate, Lahore, (v) the Superintendent of Police, Lahore, (vi) the Executive Officer, Lahore ;
- (b) what action was taken on the said representation by each of the officers mentioned in (a) ;
- (c) if no action was taken on the said representation by any of the officers mentioned in (a), reasons for his or their not taking any action ;
- (d) whether he will place on the table a copy of the said representation ?

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

(b) The representation was considered by the recipients, and although most of the allegations which it contained were believed to be of a frivolous nature, they were brought by the Deputy Commissioner to the notice of the Senior Superintendent of Police, Lahore, the Executive Officer of the Municipal Committee and the Traffic Magistrate, in order to enable them to prevent the occurrence of any such abuses in the future.

(c) Does not arise.

(d) A copy of the representation* is laid on the table.

GRIEVANCES OF LAHORE TONGA DRIVERS.

***5069. Mr. M. A. Ghani :** Will the Honourable Member for Finance be pleased to state—

- (a) whether any deputation on behalf of the Lahore Tonga Workers' Union, Lahore, waited on the Deputy Commissioner, Lahore, on the 3rd July, 1934 ;
- (b) if so, what were the chief grievances which the deputation put before the Deputy Commissioner for redress ;

[Mr. M. A. Ghani.]

- (c) whether it is a fact that the Deputy Commissioner admitted most of the grievances to be true and promised to redress them in the near future ;
- (d) if so, what action has been taken by the Deputy Commissioner to remove those grievances and fulfil the promise mentioned in (c) ;
- (e) if answer to (c) be in the negative, reasons for not taking any action and fulfilling the promise ?

The Honourable Mr. D. J. Boyd : (a) The Deputy Commissioner, Lahore, received a deputation on behalf of the Tonga Workers' Union on the 10th July, 1934.

(b) The grievances related to the procedure adopted in the trial of traffic offences, the heavy penalties imposed by courts on conviction, corruption in the municipal traffic staff, favouritism shown in licensing tongas, and the absence of proper checks on the grant of licenses to undesirable persons.

(c) No. He considered most of the allegations to be of a frivolous nature, but in spite of this he brought the representations of the Union to the notice of the Senior Superintendent of Police, Lahore, the Executive Officer of the Municipal Committee and the Traffic Magistrate in order to enable them to check such abuses if they were found to occur in the future.

(d) and (e) Do not arise.

GRIEVANCES OF LAHORE TONGA DRIVERS.

*5070. **Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether any deputation on behalf of the Lahore Tonga Workers' Union, Lahore, waited upon the City Magistrate, Lahore, in July, 1934 ;
- (b) whether it is a fact that the deputation mentioned in (a) narrated the following grievances to the City Magistrate :—
 - (i) a large number of unnecessary, false, frivolous and vexatious prosecutions of the tonga drivers under the Traffic Rules ;
 - (ii) heavy fines imposed on the convicted tonga drivers after a farce of summary trial by the magistrates ;
 - (iii) wholesale corruption and the most degrading and shameful conduct of the traffic constabulary and the municipal hackney carriage inspectorate.
 - (iv) defective bye-laws of the Municipal Committee relating to hackney carriages and tonga drivers ;
 - (v) victimisation of tonga drivers on account of their having joined or carrying on activities of their union by the traffic police and the Executive Officer and hackney carriage inspectorate of the Lahore Municipality ;
 - (vi) the non-recognition of the Tonga Workers' Union, Lahore, and
 - (vii) various other matters concerning them ;

- (c) whether it is a fact that the City Magistrate admitted most of the grievances to be true and promised to take action on the various matters urged before him ;
- (d) in what practical way the promises mentioned in (c) have been redeemed and the grievances mentioned in (b) redressed ;
- (e) if the answer to (d) be in the negative, reasons for not redeeming the promises and redressing the grievances ?

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

(b) Yes.

(c) No. The City Magistrate assured the deputation that their representations would be considered sympathetically if they were found to be genuine.

(d) and (e) Do not arise.

AHRAR CONFERENCE, SIALKOT.

***5071. Chaudhri Asadullah Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it has been brought to his notice that an Ahrar conference is going to be held at Sialkot in November, 1935 ;
- (b) whether it is a fact that the Municipal Committee, Sialkot city, has allotted the *talab* known as *Talab Sheikh Maula* for the holding of the said conference ;
- (c) whether it is a fact that the said Municipal Committee has allocated a sum of money for preparing the said *talab* for the holding of the said conference ;
- (d) if answers to (a), (b) and (c) above be in the affirmative, the reasons for incurring this expenditure from the municipal funds of the said Committee ?

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

(b) Yes.

(c) Yes.

(d) In the interest of sanitation.

ADMISSION TO CENTRAL TRAINING COLLEGE.

***5072. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education please state—

- (a) the number of Sikhs who applied for admission in 1935 to the B.T. and S. A.-V. classes of the Central Training College, Lahore, and how many out of them were admitted ;
- (b) whether it is a fact that many applicants having high marks were refused admission and students with low marks were admitted ;
- (c) if answer to part (b) be in the affirmative, whether there is any procedure for admission ; if so, the reasons for refusing admission to applicants with higher marks ?

The Honourable Malik Sir Firoz Khan Noon : (a) 60 Sikhs applied for admission to the B.T. and S.A.-V. classes, of whom 27 were selected.

(b) and (c) As the University certificates and diplomas do not indicate marks obtained, the college admission form provides for the indication of divisions in the various University Examinations. Academic qualifications are invariably taken into consideration and selection is made on the basis of—

- (i) Divisional Inspectors' recommendations ;
- (ii) teaching experience ;
- (iii) previous training in the J.V., S.V., J.A.-V. and S.A.-V. classes ;
- (iv) school subjects offered in the collegiate stage ;
- (v) permanent residence in backward areas ;
- (vi) membership of agriculturist and depressed classes ;
- (vii) relationship with old or present teachers ;
- (viii) assured employment after training in the case of nominees of private educational bodies.

Sardar Jawahar Singh Dhillon : Does the form for admission give a column for the marks obtained ?

Mr. J. E. Parkinson : I think there is a column for marks on the form for admission.

Sardar Jawahar Singh Dhillon : When the marks are given why attention is not paid to them ?

The Honourable Malik Sir Firoz Khan Noon : It is not a question of students with higher marks being admitted. There are other questions necessary for consideration which I have enumerated in detail for the honourable member's benefit. Supposing there is a teacher in a district board or a municipal board school, he will be given preference over a man coming from the open market. We must give preference to men who are actually engaged in teaching in schools over men who have no jobs, as the former training will bear immediate fruit.

HEAD VERNACULAR CLERKS IN THE AMBALA DIVISION.

***5073. Khwaja Muhammad Eusoof :** Will the Honourable Revenue-Member kindly state—

- (a) whether it is a fact that out of 7 H. V. Cs. in the Ambala division there is only one Muhammadan and all others are Hindus ;
- (b) whether it is a fact that about two months back while filling a vacancy of the post of H. V. C. in Karnal no consideration was paid to the claims of the Muhammadan candidates and a Hindu gentleman was appointed to that post ;
- (c) whether it is a fact that the person appointed has not completed full period of one year as district revenue accountant which is required to be completed under instructions of the Commissioner, Ambala division ;

(d) whether it is also a fact that in making this appointment the claims of other candidates were not fully considered and their qualifications, experiences and dates of enlistment were totally ignored ;

(e) if the answers to (a), (b), (c) and (d) be in the affirmative, what Government proposes to do in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) A Hindu was appointed but there is no ground for assuming that the claims of other candidates were not considered.

(c) The appointment was made with the full knowledge of the Commissioner.

(d) No.

(e) Does not arise.

TYPE-WRITING MACHINES IN GOVERNMENT OFFICES.

***5074. Sardar Jawahar Singh Dhillon :** Will the Honourable Revenue Member please state—

(a) the number of type-writing machines used in Government offices throughout the Punjab and the annual amount spent on cleaning them ;

(b) the amount spent on repairs and replacement of new parts of these machines ;

(c) whether Government is aware that the Indian Military Department has stopped cleaning contracts throughout India,—*vide* I. A. O. No. 425, dated 18th July, 1931, and that the work of cleaning has been made over to the typists themselves and this has saved a huge amount spent on cleaning ;

(d) what Government proposes to do in the matter ?

The Honourable Nawab Muzaffar Khan : (a)—(d) Government will consider this matter and revise the present arrangements, if, after full enquiry, they are found to be capable of improvement with a view to efficiency and economy.

REDUCTION OF THE POST OF ASSISTANT PROFESSOR, AGRICULTURAL COLLEGE, LYALLPUR.

***5075. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture be pleased to state—

(a) whether over a year ago the Retrenchment Committee on the Punjab Agricultural College, Lyallpur, recommended the reduction of the post of an assistant professor from the provincial to the subordinate service ;

(b) if so, whether effect has been given to this recommendation ;

(c) if not, whether he proposes to give effect to this proposal ; if so, when ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) No.

(c) The matter is under consideration.

INSPECTION NOTE BY OFFICER IN CHARGE, LOCAL BODIES, LUDHIANA DISTRICT.

***5076. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government please—

(a) lay on the table a copy of letter No. 5453, dated 18th September, 1935, from the Commissioner, Jullundur division, to the Deputy Commissioner, Ludhiana, in connection with the inspection note by the Officer-in-charge, Local Bodies, Ludhiana district ;

(b) state whether a copy of the said letter was sent to the Municipal Committee, Ludhiana, for information and necessary action ; if not, why not ?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is referred to the answer to question No. *5008¹.

MUNICIPAL COMMITTEE, LAHORE.

***5077. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) the number of meetings held by the Municipal Committee of Lahore during the months of March, April and May, 1935 ;

(b) the number of resolutions passed at these meetings ;

(c) the number of resolutions passed at these meetings relating to public health, drainage, water supply, roads, sanitation, education and committee's finances, respectively ;

(d) if reply to question (c) be zero or a negligible number, what action the Government proposes to take against the Committee for this neglect of duty ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Five.

(b) Eleven.

(c) Two relate to Finance sub-committee and the rest relate to other matters.

(d) The whole case of the Committee is under examination.

MR. A. D. HAMID, SPECIAL OFFICER, MUNICIPAL COMMITTEE, LAHORE.

***5078. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Municipal Committee of Lahore appointed one A. D. Hamid as special officer for six months to prepare a record of the immovable property of the Committee.

to realize rent on *tharas* and to enforce section 171 of the Punjab Municipal Act in new *abadis* ;

- (b) whether it is a fact that on the expiry of six months' term his work was checked by the Executive Officer and was found to be unsatisfactory, incorrect and meagre and that the Executive Officer reported to the Committee that A. D. Hamid should not be granted any extension and that some other arrangements be made for the completion of the work ;
- (c) whether it is a fact that the Committee granted extension for an indefinite period to A. D. Hamid without assigning any reasons for disagreeing with the Executive Officer ;
- (d) if replies to the above questions be in the affirmative, what action, if any, Government intends to take ?

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

(b) Mr. Hamid's work was checked by the Executive Officer and certain omissions were detected. The Executive Officer reported that Mr. Hamid's services should be dispensed with.

(c) The Committee considered it desirable to make the post permanent.

(d) The Commissioner is being asked to look into the matter.

Sardar Jawahar Singh Dhillon : Has any permanent arrangement been made up to this time ?

The Honourable Dr. Sir Gokul Chand Narang : I believe the same gentleman is continuing, but I am not quite sure. All that has been reported is that while the Executive Officer wanted this man to be dismissed, the Committee has made the post permanent and I believe the same man is now holding the post.

SANCTION OF BUILDING SCHEMES BY MUNICIPAL COMMITTEE, LAHORE.

***5079. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that the Municipal Committee of Lahore has been sanctioning building schemes under the name of layout plans ;
- (b) whether it is a fact that the Government and the Commissioner of the division have repeatedly issued instructions to the Committee to refrain from this course ;
- (c) if the reply to question (b) be in the affirmative, whether it is a fact that the Committee has not cared to abide by the instructions and still continues to sanction the building schemes ;
- (d) the total number of such building schemes sanctioned by the Committee during the months of June, July and August, 1935 and how many of such sanctions were suspended by the Deputy Commissioner or the Commissioner under section 232 of the Punjab Municipal Act ;
- (e) if the replies to the above questions disclose that the Committee has been repeatedly defying Government's orders, what action Government proposes to take against the Committee ?

The Honourable Dr. Sir Gokul Chand Narang : (a), (b) and (c) Yes.

(d) 25 lay-out plans were sanctioned by the Committee. Resolutions dealing with 5 of these plans have been suspended by the Deputy Commissioner. The remaining plans are being examined and if they are found to be building schemes, resolutions in respect of them are also likely to be suspended.

(e) Further inquiries are being made in the matter.

DISTRIBUTION OF QUININE BY MUNICIPAL COMMITTEE, LAHORE.

***5080. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education be pleased to state—

(a) whether it is a fact that the Municipal Committee of Lahore and other local bodies in this province make arrangements for the free distribution of quinine during the malaria season every year ;

(b) whether it is a fact that the Municipal Committee, Lahore, has not made any such arrangement during the malaria season of 1935 ;

(c) whether it is a fact that the question of free distribution of quinine and other arrangements for combating malaria was considered by the Committee and they refused to sanction any amount for the purpose ;

(d) if replies to the above questions be in the affirmative, whether Government is prepared to take any action ?

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

(b) Yes.

(c) Yes.

(d) No, as according to the final malaria forecast for 1935 issued by the Public Health Department, malaria was not likely to attain abnormal magnitude in Lahore city.

MINUTES OF THE MEETINGS HELD BY MUNICIPAL COMMITTEE, LAHORE.

***5081. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that no book is maintained by the Municipal Committee, Lahore, for recording the minutes of the general meeting of the Committee and the meetings of the various standing sub-committees, as required by section 30 (1) of the Punjab Municipal Act ;

(b) whether it is a fact that no minutes are recorded by the Secretary or the Assistant Secretary of the Committee as required by rule 41 of the Conduct of Business Rules of the Lahore Municipal Committee ;

- (c) whether it is a fact that shorthand notes are taken by the stenographer of the President on loose papers and minutes are prepared at leisure thereafter ;
- (d) how many of the proceedings of the meetings held by the Committee during the months of April to August, 1935, have so far been confirmed by the Committee ;
- (e) how many of the proceedings confirmed were alleged to be incorrect when they were taken up for confirmation and how many amendments were moved by the various members to get them corrected ;
- (f) if the replies to above questions disclose that the proceedings of the meetings of the Municipal Committee were not recorded correctly and satisfactorily what action Government proposes to take against the person or persons responsible for this record ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The proceedings of each meeting form a separate file. These files are as reported kept together.

(b) The resolutions as reported are recorded by the Secretary.

(c) Yes.

(d) 18.

(e) (i) Two.

(ii) Six.

(f) Municipal Committee's attention will be drawn to the necessity of keeping a properly bound and paged book for recording the minutes of proceedings.

LAYOUT PLANS SANCTIONED BY THE MUNICIPAL COMMITTEE, LAHORE,
ON THE 8TH JUNE, 1935.

***5082. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) the total number of so-called layout plans sanctioned or rejected by the Municipal Committee of Lahore at its meeting held on 8th June, 1935 ;
- (b) whether it is a fact that some of these plans were considered by the Committee after the time limit fixed by law had expired and the plans had been sanctioned *ipso facto* ;
- (c) if reply to part (b) be in the affirmative, the number of such plans and how many of them were sanctioned and how many were refused by the Committee ;
- (d) if the replies to the above questions disclose that the Committee neglected to sanction or refuse the plan within the time fixed by law, what action Government proposes to take against the Committee for this negligence ?

The Honourable Dr. Sir Gokul Chand Narang : I regret that the reply to this question is not yet ready.

CONSTRUCTION OF BOUNDARIES FOR FIELDS Nos. 361 AND 363, QADIAN.

***5083. Chaudhri Asadullah Khan :** Will the Honourable Finance Member please state—

- (a) whether it is a fact that after the actual demarcation of fields Nos. 361 and 363 in Qadian on 20th June, 1935, by the girdawar and Patwari, the Deputy Superintendent of Police forbade the representative of the Sadar Anjuman-i-Ahmadyya, Qadian, from constructing pacea boundaries of the fields ;
- (b) whether it is a fact that the Deputy Superintendent of Police aforesaid even threatened with arrest any one who came forward with the purpose of constructing such boundaries ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) The interested parties were warned by the police that security proceedings would be taken at once against any person whose conduct appeared likely to occasion a disturbance of the public tranquillity.

REWARDS AND SANADS TO PROSECUTION WITNESSES.

***5084. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the district authorities grant rewards and *sanads* to those persons who appear as prosecution witnesses in different criminal cases ;
- (b) the reasons for granting the rewards and *sanads* mentioned in (a) ;
- (c) from what fund these rewards are paid ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) and (c) Do not arise.

CHAUDHRIS.

***5085. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the police appoint different persons as chaudhris in different mohallas and areas ;
- (b) under what law these chaudhris are appointed ;
- (c) their duties and responsibilities ;
- (d) whether they are honorary or paid ; if paid, what salary or wage is paid to them ?

The Honourable Mr. D. J. Boyd : (a) In Amritsar and Multan, and probably in some of the other cities of the province, a system has long been in force under which persons of local influence are appointed to act as headmen in the various quarters of the town. These headmen are variously known as chaudhris or city lambardars or mir mohallas. The appointments are made by the Deputy Commissioner, not by the police.

(b) These arrangements are purely executive and are not based on any specific provision of law.

(c) A copy of the certificate which is given to the Chaudhris of Amritsar on appointment is laid on the table (*vide page opposite*). The duties and responsibilities of the office, as they are understood in one town of the province, are described on the back of this certificate. The honourable member will realise that the practice in the different towns is not absolutely uniform.

(d) Honorary.

Mr. M.A. Ghani : Is it a fact that one of the duties of these chaudhris is to procure false witnesses for the prosecution in criminal cases ?

The Honourable Mr. D. J. Boyd : Is that a right question to ask ?

Mr. President : The Honourable Member may decline to answer it.

ALLEGATIONS AGAINST HEAD CONSTABLE.

*5086. **Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

(a) whether his attention has been drawn to an article under the heading "*Zair-i-harasat mulzim ki larzakhez mauit—head constable par izain dene ka illsam*" which appeared in the *Inqilab*, Lahore, dated the 22nd October, 1935, at page 4, column 4 ;

(b) whether any enquiry has been made into the allegations made in the article mentioned in (a) ;

(c) if so, whether he will lay a copy of the report of enquiry on the table ?

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

(b) A magisterial inquiry was held under section 176, Criminal Procedure Code. The magistrate found that death was not due to natural causes. A case under section 302, Indian Penal Code, has now been registered and is under investigation.

(c) A copy of the magistrate's finding is laid on the table—

Deputy Commissioner.

In compliance with your order I reached Kaithal on 23th evening and started the enquiry. The dead body of the deceased has already been despatched to Karnal for *post-mortem* examination. After carefully inspecting the spot, where the deceased was stated to have died, and going through the whole of the Police file about the case in which the deceased had been detained as one of the suspects, I examined 8 witnesses on 23th and 21 witnesses on the 29th. After that I wanted to examine the relatives of the deceased who had meanwhile returned from Karnal with the corpse of the deceased. I sent for them but they refused to appear as they were busy with interring the corpse. At 5-30 P.M. I sent to them summons through the police as well as through the tahsil jamadar, but again the witnesses made evasive reports which reached me late in the night. At 7-30 A.M. on the next morning, i.e., the 30th I started back to Karnal. I could not stay longer because at 10 A.M. I had to open the treasury the charge whereof I had already taken back from Pir Mubarak Ali Shah on returning from leave.

The police handed over to me the *post-mortem* examination report at noon on 30th September, 1935. Then I summoned the Assistant Surgeon and examined him at length. As it was very late when I finished this work I could not submit any report. The enquiry is yet incomplete. Three theories regarding the cause of death have been put forward. Two witnesses who were co-suspects in the case under investigation depose that the deceased collapsed after smoking a cigarette given to him by Razzaq, the complainant. Another group comes up with the version that the deceased expired suddenly under a fit of epilepsy accompanied by a convulsive seizure. But in the opinion of Mr. A. R. Khanna, Assistant Surgeon, Karnal who conducted the *post-mortem* examination the death was due to asphyxia caused by throttling leading to severe injury to the wind pipe and the soft parts of the neck and chest.

[HON. MR. D. J. BOYD.]

The file is submitted herewith for your kind perusal. As the enquiry is incomplete I am unable to give a definite finding over the cause of death.

KARNAL.

1st October, 1935.

KARIM DAD,

Magistrate, I Class.

District Magistrate.

The enquiry is now complete. I have already reported that there are three stories about the cause of death of Muhammad Sharif, deceased. He joined the police investigation on 26th September, 1935, evening as one of the suspects in case No. 60 under section 457, Indian Penal Code. His sudden death was reported by the police on the morning of 28th September, 1935.

The theory advanced by Aziz and Shadi, witnesses Nos. 1 and 2, must be left aside as being not arrestive of any attention unless it be afterwards sprung upon us by the report of Chemical Examiner, Punjab, to whom the viscera of the deceased has been despatched for opinion. Next comes the version that the deceased could not survive a fit of epilepsy. Isma Shah, constable, Jumma, sweeper, and Alim-ud-din, water-carrier, of police chanki, witnesses Nos. 10, 14 and 18, respectively, have sworn to this as eye-witnesses; but Ballu, Nathu, Nur Muhammad, Rahim Bakhsh and Jiwan, witnesses Nos. 31, 32, 33, 38 and 39, who were in a better position to know the accused for being his relatives, contradict this version by deposing that the accused had never been a victim to this disease. The third theory is put forward by Mr. A. R. Khanna, Assistant Surgeon, Karnal, who conducted the *post-mortem* examination over the dead body of the deceased on 29th September, 1935. In his opinion the death was due to asphyxia caused by throttling leading to severe injury to the wind pipe at the soft parts of the neck and chest. In explanation of his opinion this witness had described 19 marks of injury which he found at the dead body. Here I may note that the corpse was seen by the Deputy Superintendent of Police and the Tahsildar of Kaithal before it was despatched to Karnal for *post-mortem* examination. Both of these gazetted officers have stated on solemn affirmation that they found no marks of injury over it. Though I have no reasons to doubt their testimony yet I believe that their statement do not bereave the medical evidence of its usual value as piece of independent proof of the cause of death.

Under these circumstances the deceased does not appear to have died a natural death. I would, therefore, recommend that the Superintendent of Police may be asked to order the registration of the case under section 302 of the Indian Penal Code for investigation.

KARIM DAD KHAN,

Magistrate, 1st Class, Karnal.

Dated 3rd October, 1935.

SHAHID GUNJ.

***5087. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the Punjab Government took legal advice as regards the advisability of preventing the Sikhs from demolishing the Shahid Gunj mosque, Landa Bazar, Lahore;
- (b) if so, from whom the legal advice was taken;
- (c) whether he will lay on the table a copy of the legal advice so taken?

The Honourable Mr. D. J. Boyd : As both civil and criminal cases arising out of the demolition of the Shahid Gunj mosque are at present *sub-judice* in the courts, I consider that it would be not in the public interest to answer this question.

EXPENDITURE ON INAUGURATION OF REFORMS.

***5088. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state the rough estimate of the new expenditure, both recurring

and non-recurring, which the province shall have to incur for the inauguration of the coming Reforms under the new Government of India Act ?

The Honourable Mr. D. J. Boyd : It is estimated that the total cost of the Reforms Commissioner's Office since 1932-33, up to the completion of the first general election, and including the cost of that general election, will amount to approximately Rs. 8,50,000. Thereafter the cost of elections will be approximately Rs. 5,50,000 every five years, provided, of course, that the Legislative Assembly is not dissolved before the expiry of its full term of five years.

Since May 1933, no estimate has been made of the cost of working the new constitution. But the estimate then made was that the annual cost would be about Rs. 17,25,000, or Rs. 3,23,000 more than the cost of working the present constitution. Of the increase Rs. 2,00,000 is due to the increased size of the future legislature. Other main items included in the total are the Cabinet, the cost of the Secretariat, and the staff of His Excellency the Governor.

The estimated cost of enlarging the present Council Chamber and building the new Legislative Assembly Chamber is approximately Rs. 13,50,000.

REPRESENTATIONS ON DELIMITATION OF CONSTITUENCIES.

***5089. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Reforms Commissioner, Punjab, invited representations from the public for the consideration of the Indian Delimitation Committee criticising the provisional scheme of the Punjab Government as regards the delimitation of the constituencies in this province under the new Government of India Act ;
- (b) whether it is a fact that the Reforms Commissioner invited the public to send the representations mentioned in (a) by the 20th September, 1935 ;
- (c) whether he will lay a list on the table of the representations together with the interests on behalf of which they were submitted ;
- (d) whether it is a fact that certain representations were submitted to the Punjab Government after the due date mentioned in (b) ;
- (e) if so, the names of the person or persons who thus sent the representation after the due date together with the interests represented therein ;
- (f) whether it is a fact that the representations mentioned in (d) were entertained ;
- (g) if so, reasons for entertaining them ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Yes.

[Hon. Nawab Muzaffar Khan.]

(c) This has already been done in reply to question No. *49871.

(d) Yes.

(e) Does not arise in view of answer to (g).

(f) Yes.

(g) The date was fixed purely as a matter of office convenience and not as a matter of regulation. There was no reason not to send on to the Delimitation Committee any representation that could reach them in time for them to consider it.

BURGLARY IN THE HOUSE OF DISTRICT AND SESSIONS JUDGE, LUDHIANA.

***5090. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that a burglary was committed in the house of the District and Sessions Judge, Ludhiana, on or about the 30th July, 1935 ;

(b) whether it is a fact that in the burglary, a confidential records box of the District and Sessions Judge was also stolen ;

(c) what records were thus stolen ;

(d) what steps have been taken to restore the records ;

(e) what steps have been taken by the Government to prevent in future the theft of the records and confidential judicial files ;

(f) if answers to (d) and (e) or either of them be in the negative, reasons for not taking the steps ?

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

(b) Yes.

(c) The contents are not definitely known, but Government understand that the box contained nothing of substantial importance.

(d), (e) and (f) In the circumstances no special action is required.

GRIEVANCES AGAINST SUPERINTENDENT, GOVERNMENT PRESS.

***5091. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

(a) whether his attention has been drawn to an article under the heading "Punjab Government Press ka Superintendent," which appeared in the daily *Inqilab*, Lahore, dated the 22nd October, 1935, at page 3, column 2 ;

(b) if so, what action has been taken to remove the grievances referred to in the article ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) After enquiry Government are satisfied that no legitimate grievance exists.

INDEBTEDNESS DISQUALIFICATION OF HONORARY MAGISTRATES.

***5092. Sardar Jawahar Singh Dhillon :** Will the Honourable Finance Member please state—

- (i) whether it is a fact that Government has issued instructions to the effect that it is a disqualification for an honorary magistrate to be in debt ;
- (ii) whether it is a fact that some honorary magistrates on account of their indebtedness have come under the control of court of wards ;
- (iii) whether the indebtedness disqualification of an honorary magistrate is waived by his coming under court of wards ; and
- (iv) if the answer to (iii) be in the negative, what action Government proposes to take in the matter ?

The Honourable Mr. D. J. Boyd : (i) The Government instructions on the subject lay down that no person should be recommended for investiture with honorary magisterial powers who is not free from such pecuniary embarrassment as would lead to temptation. There is no positive rule requiring the removal from office of an honorary magistrate who is found to be under debt. Such cases are to be dealt with on their individual merits.

(ii) Yes.

(iii) and (iv) Do not arise.

PROMOTIONS IN VETERINARY DEPARTMENT.

***5093. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) how many veterinary subordinates are officiating in class II service who were promoted as a temporary measure without prejudice to the claims of their seniors ;
- (b) whether it is a fact that some of them have been acting as such for over a year ;
- (c) how Government proposes to remedy the wrong done to the senior men ;
- (d) what steps he proposes to take with a view to avoid such promotions and the consequent hardship to deserving candidates in future ;

The Honourable Sardar Sir Jogendra Singh : (a) Three.

(b) Yes.

(c) In view of the fact that the temporary promotion of the juniors is without prejudice to the claims of the seniors, no wrong has been done to the senior men.

(d) Such temporary promotions are inevitable from time to time for short period in the interests of the public service.

APPOINTMENTS OF SUPERINTENDENTS OF DEPUTY COMMISSIONERS' OFFICES AS EXTRA ASSISTANT COMMISSIONERS.

***5094. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the superintendents of the deputy commissioners' offices in the Punjab are eligible to be appointed as extra assistant commissioners ;
- (b) if so, since when they have been so made eligible ;
- (c) the number of those superintendents who have been so appointed ;
- (d) if none, reasons for not appointing any of these as extra assistant commissioners ?

Mr. F. H. Puckle (Chief Secretary) : (a) Yes.

(b) As far as has been possible to trace from the Secretariat records, the head clerks (now designated as superintendents) of deputy commissioners' offices have been eligible for promotion to the rank of extra assistant commissioner since 1906.

(c) It would involve much labour to find out how many extra assistant commissioners who have since died or retired had once been superintendents of deputy commissioners' offices, and it will probably satisfy the honourable member to know that there are at present seven extra assistant commissioners in the Punjab Civil Service who at one time or another were superintendents of deputy commissioners' offices.

(d) Does not arise.

BARKANDAZ OF CANAL DEPARTMENT, DELHI DIVISION.

***5095. Lala Jyoti Prasad :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the services of 26 *barkandazes* of the Canal Department of Delhi division (Western Jumna Canal) were dispensed with, by the Executive Engineer, on 1st September, 1935, and that retired military pensioners were appointed in their places ;
- (b) whether it is a fact that these *barkandazes* have been in service in the department for the last ten or twelve years and that they are all healthy and strong ;
- (c) whether it is a fact that in 1933 a letter was issued by the Chief Engineer, Irrigation, Punjab, to the effect that military men were to be employed if there was any vacancy for a *barkandaz* ;
- (d) if so, why it was that *barkandazes* already in service were replaced by military pensioners ;
- (e) whether it is a fact that the order of dismissal has involved great hardship upon these poor *barkandazes*, especially in these days of economic depression and unemployment ;
- (f) what Government intends to do in the matter ?

The Honourable Nawab Muzaffar Khan : (a) Services of 6 and not 26 *barkandazes* were dispensed with.

(b) They were in service for different periods ranging from 1 to 12 years and were believed to be in good health.

(c) and (d) No. Reduction was made in the interest of efficiency and economy. The strength of the treasure guard at those divisional headquarters where a Government treasury or sub-treasury exists, was reduced from one *daffadar* and four *barkandazes* to one *daffadar* and one *barkandaz*, and these were to be military pensioners.

(e) and (f) No. They were all temporary men and employment on work-charged establishment has been offered to all considered suitable for re-employment.

DISTURBANCE DURING DUSEHRA AT ROHTAK.

***5096. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

(a) whether "Stop Press" news published in the "Hindustan Times", Delhi, of 10th October, 1935, about an attack on processionists of Dusehra procession in Rohtak, and news under the heading "Mischief—mongers from outside responsible for trouble", and "Pir's alleged share in trouble", appearing in the same paper of 12th October, 1935, have come to the notice of the Government ;

(b) if so, who are responsible for the assault on the peaceful processionists ;

(c) what steps Government has taken to find out the causes of the trouble ; whether there has been any enquiry to that effect ;

(d) if the answer to second part of (c) be in the affirmative, what has been the result of that enquiry ;

(e) the number communitywise of the injured and of those who died in the disturbance ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

DISTURBANCE DURING DUSEHRA AT ROHTAK.

***5097. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

(a) whether any arrests have been made or challans put in court in connection with the disturbance at Rohtak on the occasion of the last Dusehra procession ;

(b) if the answer to (a) be in the affirmative, the number communitywise of those who have been arrested or challaned ;

(c) whether investigation in this connection is complete or is still pending ?

The Honourable Mr. D. J. Boyd : I regret that the reply to this question is not yet ready.

DISTURBANCE DURING DUSEHRA AT ROHTAK.

***5098. Lala Jyoti Prasad :** Will the Honourable Finance Member kindly state—

- (a) whether officers on the spot apprehended any trouble on the occasion of last Dusehra at Rohtak ;
- (b) if so, what precautionary measures were taken by them ?

The Honourable Mr.] D. J. Boyd : I regret that the reply to this question is not yet ready.

DISTURBANCE DURING DUSEHRA.

***5099. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the Commissioner, Ambala division, visited Rohtak recently in connection with the Dusehra disturbance there ;
- (b) whether it is a fact that a deputation of the leading Hindus of the town waited upon him and the members of the deputation were assured of effective protection against hooliganism by the Commissioner ;
- (c) if answers to (a) and (b) be in the affirmative, what steps have been taken or are being taken to ensure the non-recurrence of such an untoward incident in future ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

DISTURBANCE DURING DUSEHRA.

***5100. Lala Jyoti Prasad :** Will the Honourable Finance Member be pleased to state—

- (a) whether a news under the heading "*Shahbad men Mussalmanon ne Hinduon ko Zad-o-kob kia ; Shahr men tin dinon se hartal jari hai,*" appearing in the daily *Milap*, Lahore, dated the 25th September, 1935, has come to the notice of the Government ;
- (b) what action, if any, has been taken by the authorities concerned against such highhandedness of the processionists and also against those who are directly responsible for beating the peaceful residents of Anaj Mandi ;
- (c) whether it is a fact that Anaj Mandi is a private property and procession of any kind cannot pass through it without the previous permission of the proprietors ?

The Honourable Mr. D. J. Boyd : I regret that the reply to this question is not yet ready.

SECOND PROVINCIAL CONFERENCE OF NON-OFFICIAL VISITORS OF
PUNJAB JAILS.

***5101. Rai Bahadur Lala Sewak Ram :** (i) Will the Honourable Finance Member be pleased to state—

- (a) the substance of the speech delivered by the Honorary Organising Provincial Secretary of the Punjab Jails Non-Official Visitors' Association, at the second provincial conference of non-official visitors of the Punjab jails, held in the month of March, 1935 ;
- (b) what action the Government have taken or intend to take on the suggestions made in the said speech ?
- (ii) Will he kindly lay on the table the various resolutions passed by the said conference and by the provincial executive committee later on as submitted to the Government, with a brief summary of the forwarding note in support of every resolution ?
- (iii) what action and when does Government propose to take on every resolution submitted to it and in case it proposes to take no action on any particular resolution, what are those, and why no action is contemplated ?

The Honourable Mr. D. J. Boyd : (i) (a) and (ii) I suggest that the honourable member should apply to the Association for a copy of the papers. They are not Government documents.

(i) (b) None.

(iii) The resolutions have been forwarded to the Inspector-General of Prisons for examination and report.

HABITUAL OFFENDERS AT THE LAHORE BORSTAL INSTITUTE.

***5102. Rai Bahadur Lala Sewak Ram :** Will the Honourable Finance Member be pleased to state—

- (a) the number of habitual offenders confined at the Lahore Borstal Institute ;
- (b) whether it is a fact that the habitual offenders are allowed to work during the day time in the factories with the casual and other offenders and also during the weekly parades and afternoon games freely mix up with casual and other offenders ;
- (c) whether it is a fact that there is no separate independent workshop and play fields and circles for the confinement of habitual offenders at the Borstal Institute ;
- (d) if answers to (b) and (c) be in the affirmative, what action Government proposes to take ?

The Honourable Mr. D. J. Boyd : (a) 201. (This figure is that for the 2nd November, 1935).

(b) and (c) The habitual offenders work in separate workshops, away from the casuals. Under the existing arrangements habituals and casuals share the same playgrounds, but the games are under the strict supervision of scout masters, school teachers and the executive staff of the institution.

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

(d) As was mentioned in the Government review of the Report on the Administration of the Jails in the Punjab during the year 1934, Government are most anxious to complete the separation of the Borstal Institution proper, where the inmates are all of a recidivist type, from the ordinary juvenile-jail. Administrative and financial obstacles have hitherto stood in the way, but the object will be kept in view.

IRRIGATION BY TUBE-WELLS WORKED WITH HYDRO-ELECTRIC POWER.

*5103. **Sardar Sahib Sardar Ujjal Singh** : Will the Honourable Minister for Local Self-Government please state—

- (a) whether any scheme of irrigation by tube wells worked with hydro-electric power is under consideration ;
- (b) if so, the area proposed and the locality where this system of irrigation is sought to be introduced ;
- (c) the rate for electrical energy calculated to give the supply by means of tube-wells at the same water rate at which water is supplied to zamindars by the existing canal system ;
- (d) when the scheme is likely to be taken in hand ?

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

(b) About 1,000 to 1,500 acres between Dhariwal and Qadian.

(c) It is very difficult to make any calculations comparing the cost of tube-well irrigation with flow irrigation, because the charges for flow irrigation vary with the crop raised and the number of waterings, but in tube-well irrigation only those units are paid for which are actually necessary to supply the water desired for the crop, so that should rain fall so as to obviate the necessity of watering the crop, in the case of tube-well irrigation, no charge would be made as no units would be consumed for pumping water for irrigation purposes. No calculations, therefore, have been made as to the rate at which electrical energy would have to be sold in order to enable the zamindars to irrigate from tube-wells at the same rates as from the existing canal systems.

(d) It is impossible at the moment to give any definite idea since arrangements have not yet been made for the sinking of the wells or the collection of the necessary equipment, most of which will have to be imported from overseas.

UHL RIVER HYDRO-ELECTRIC SCHEME.

*5104. **Sardar Sahib Sardar Ujjal Singh** : Will the Honourable Minister for Local Self-Government please state—

- (a) the total amount of electrical energy generated from the Uhl River Hydro-Electric Scheme and the amount now being consumed ;
- (b) the amount of such hydro-electric energy consumed for agricultural and industrial purposes ?

The Honourable Dr. Sir Gokul Chand Narang : A statement giving the required information is laid on the table.

Statement.

Particulars.	From 1st April, 1934, to 31st March, 1935 (12 months.)	From 1st April, 1935, to 30th September, 1935 (6 months.)
(1) Number of units generated	23,673,020	19,855,290.
(2) Total units sold	12,273,856	13,332,749
(a) for agricultural purposes	23,352	29,059
(b) for industrial purposes	3,505,831	4,236,834
(c) for other purposes (i.e., general and public lighting).	716,142	647,887
(d) to special consumers, i.e.—		
(i) North-Western Railway, Moghalpura ..	2,492,650	5,536,793.
(ii) Amritsar Municipal Committee ..	5,535,881	2,882,171.

ELECTRICAL CHARGES.

***5105. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether he is aware of the fact that factories with existing steam plants are reluctant to take electrical power from the hydro-electric scheme for working their factories on account of high tariff ;
- (b) whether Government proposes to reduce the schedule of electrical charges for agricultural and industrial purposes ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Not in the case of steam plants. Some small consumers with oil engines are holding back.

- (b) This is under consideration.

PRICES OF COMMODITIES.

***5106. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether he is aware that the prices of the commodities in this province have gone up during the last few days ;
- (b) if so, whether it is a fact that the rise in the prices is due to their having been fictitiously put up by the middlemen by falsely spreading rumours of the British Government's impending participation in the Italo-Abyssinian War ;
- (c) if answer to (b) be in the negative, the reasons for prices having gone up and how much at an average they have gone up in the case of important commodities of general use ;
- (d) whether Government is aware that the people in general and the poorer classes in particular are feeling the rise of the prices with great concern ;

[Mr. M. A. Gani.]

- (e) the steps taken or proposed to be taken to bring them to their normal and genuine scale ;
 (f) if no steps have been taken or are proposed to be taken, reasons for not taking them ?

The Honourable Nawab Muzaffar Khan : (a) There is a slight rise in the prices of principal commodities in the selected markets of the province as compared with prices that prevailed at the end of September, 1935.

(b) Speculation has been at work, but it is difficult to dogmatize about the extent to which false rumours, if any, have contributed to the rise in prices.

(c) The index number showing prices of articles of general consumption or trade utility at Lahore for the fortnight ending 31st October, 1935, shows a rise of 2 per cent. in the average price of important commodities as compared with the index number for the fortnight ending 30th September, 1935.

(d) There is no evidence of any great concern, but it is possible that the poorer class of consumers in large towns may have felt the rise.

(e) The question assumes that there is a normal or genuine scale of prices of principal commodities. This is a matter of opinion and not of fact.

(f) Does not arise.

OFFICE OF INSPECTOR-GENERAL OF PRISONS.

***5107. Chaudhri Asadullah Khan :** Will the Honourable Finance Member kindly lay on the table a statement regarding the office of the Inspector-General of Prisons, Punjab, showing—

- (1) names of the employees,
 (2) their respective salaries, and
 (3) whether any of them is a statutory agriculturist or not ?

The Honourable Mr. D. J. Boyd : A statement is laid on the table. Only the number of employees in each grade is given ; it is not the practice of Government to supply names.

Statement.

Number of employees.	Designation.	Grade.	Number of statutory agriculturists.
		Ra.	
1	Superintendent	350—20—450	..
3	Head Assistants	150—10—350	..
1	Senior Assistant	150—10—250	1
1	Stenographer	150—10—300	..
2	Assistants	100—6—160/8—200	..
2	Senior Clerks	80—10—150	..
6	Senior Clerks	75—5—150	..
10	Junior Clerks	40—3—100	1
1	Junior Clerk	40—3—100	..
		(plus Ra. 15 stenography allowance).	
1	Restorer	25—2—45	1
1	Book-binder	20—1—25	1

ROADS ROUND ABOUT "THE PIPALS," LAHORE.

***5108. Pir Akbar Ali :** Will the Honourable Minister for Local Self-Government kindly state whether he is aware that the roads leading to and round about "The Pipals," the Lower Mall, Lahore, are in a rotten condition; if so, what steps have so far been taken or are intended to be taken to impress upon the Lahore Municipal Committee the necessity of improving these roads?

The Honourable Dr. Sir Gokul Chand Narang : The Government Printing Press Road passing in front of "The Pipals" was repaired last year. It will shortly be tarred.

Mr. E. Mayadas : Has there ever been a time when these roads were ever in a good state of repair?

The Honourable Dr. Sir Gokul Chand Narang : They might have been perhaps thirty or fifty years ago, I cannot say.

CLOSURE ON LOWER BARI DOAB CANAL.

***5109. Professor W. Roberts :** Will the Honourable Revenue Member please state—

(a) whether the winter closure on the Lower Bari Doab Canal for the last five years has been as follows :—

Rabi 1931-32	15-12-31 to 7-1-32
Rabi 1932-33	5-12-32 to 29-12-32
Rabi 1933-34	20-11-33 to 13-12-33
Rabi 1934-35	20-11-34 to 13-12-34
Rabi 1935-36	20-11-35 to 13-12-35 (Proposed).

(b) if so, why the earlier closure has been introduced ;

(c) what decrease in Rabi sowings has followed, especially in 1934-35 ;

(d) whether Government has any information regarding relative earliness of cotton in Okara or Montgomery as compared to Khanewal or Jehanian ;

(e) whether Government is aware that cotton must be watered in Multan district up to the end of October; if so, how Rabi can be sown in three weeks ;

(f) what steps Government proposes to take to remedy the present injustice and lay down principles for future closure dates, based on agricultural requirements ?

The Honourable Nawab Muzaffar Khan : (a) Yes. It may be stressed that the closure is a rotational closure, and does not mean that the Lower Bari Doab Canal is in any way being deprived of its share of the available river supplies ;

(b) As being the most advantageous arrangement for the particular canal.

(c) The decrease is not believed to be due to the closure. There has been a similar decrease on the other Colony canals due to the abnormally low rivers up to the middle of December 1934, and economic conditions.

(d) No, but the difference, if any, can only be a matter of a few days.

(e) If these conditions exist it is for the cultivator to adjust his operations accordingly. River supplies usually drop rapidly in October, and such

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supplies as are available are equitably shared amongst the 5 Northern Canals. Every drop of available supply in the rivers is utilised. There is no wastage and no canal gets preferential treatment over another.

(f) Government is prepared at all times to consider reasonable suggestions for the modification of the Rotational Programme of any canal provided such can be given effect to without damage to the interests of the other canals.

PRESIDING OFFICERS IN COURTS, GURDASPUR.

***5110. Chaudhri Faqir Husain Khan :** Will the Honourable Finance Member be pleased to state—

- (a) whether he is aware that Muslims of Gurdaspur district have represented their grievances in the press as well as in a poster recently issued by Messrs. Abdul Hamid, Fateh Muhammad, etc., regarding the posting of Muslim officers for several courts in Gurdaspur ;
- (b) why officers belonging to one and the same community are posted to preside over the lower as well as the appellate courts in the district ;
- (c) whether the Government proposes to take any action to remove this complaint of the public of Gurdaspur ?

Mr. F. H. Puckle (Chief Secretary) : (a) and (c) Government have received several posters stated to have been published by the Muslims of Gurdaspur. Some of these state that Muslims are dissatisfied with the district staff and others that they are satisfied. In the circumstances Government have taken no action.

(b) Government try to arrange that as far as possible each community shall be adequately represented on the staff of a district ; further than this they cannot undertake to go.

MUNICIPAL COMMITTEE, LUDHIANA.

***5111. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government be pleased to lay on the table :—

- (a) a copy of the letter No. 8277/L. F. C., dated 14th October, 1935, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana ;
- (b) a copy of each of the resolutions referred to in the letter mentioned above ?

The Honourable Dr. Sir Gokul Chand Narang : Copies of the required documents are laid on the table.

Copy of letter no. 8277-L.F.C., dated the 14th of October, 1935, from the Deputy Commissioner, Ludhiana, to the Executive Officer, Municipal Committee, Ludhiana.

REFERENCE committee's resolutions nos. 982, 990, 992 and 993, dated the 23rd of September, 1935, and no. 1004, dated the 24th of September, 1935.

Will you please report—

- (1) whether any of the roads and streets mentioned in the above resolutions bore any names previously ;

- (2) if so, what were the names by which they were designated,
 (3) the amount proposed to be spent on having the plates and the amount already spent on the previous plates.
 (4) whether budget provision exists to meet this expenditure.

The resolutions should not be executed till further orders.

Copy of resolution no. 982, passed by the Municipal Committee, Ludhiana, at an Ordinary Urgent General Meeting, held on the 23rd of September, 1935.

982. Proposal of Lala Tilak Ram, seconded by Haji Khawaja Muhammad Akram, that Kucha in Mohalla Roops, Mistri, which is opposite the Municipal stand-post be named as Kucha Kishori Lal and boards be put up.

Resolved that as per proposal the Kucha be named Kucha Kishori Lal and boards be sent for from Amritsar and put up.

Copy of resolution no. 990, passed by the Municipal Committee, Ludhiana, at an Ordinary Urgent General Meeting, held on the 23rd of September, 1935.

990. Application of Shahzada Sultan Mahmud that there is no name of the Road from Wakefieldgunj to Girls' School (High). Name of this road should be fixed as Camran Road. With recommendation of Agha Mirza Muhammad Yakub Dadashi and order of the President to lay before the Committee.

Resolved that name of this road be kept as 'Camran Road.' Boards be got prepared from Amritsar contractor and put up.

Copy of resolution no. 993, passed by the Municipal Committee, Ludhiana, at an Ordinary Urgent General Meeting, held on the 23rd of September, 1935.

993. Applications of residents of Ihata Chaudhri Banna, that this Ahata be named L. Ram Nath Ahata, with proposal of Lala Ram Nath seconded by Mr. Vijay Kumar Gupta, that this Mohalla be named as Sukhram Nagar. Residents of that Mohalla have agreed to this proposal. Three sign-boards be got prepared and put up at three passages. With office report that the Committee by resolution no. 592, dated 21st September, 1934, had resolved that name of this Mohalla be not changed. With President's order to lay it before the Committee.

Proposal of Mian Roshan Din seconded by Master Tsaj-ud-Din that the question of the change of the name is of great importance and all the Muhammadans of Ludhiana Town wish that the Kuchas and Mohallas which are named after Islamic names should not be changed and so is the wish of the Hindu community. This matter should, therefore, be committed to the President with the request that he may after due consideration propose an Islamic name for the compound and lay the case before the Committee.

By a majority of 6 for and 3 against the proposal as entered in the Agenda was passed. Further resolved that the name board be got prepared from Amritsar and put up.

Copy of resolution no. 992, passed by the Municipal Committee, Ludhiana, at an Ordinary Urgent General Meeting, held on the 23rd of September, 1935.

992. Application of the residents of Kucha Mian Muhammad Saddiq Waian and Abdullah Waian that the name-board of this Kucha be hung. With recommendation of Kh. Muhammad Azam and President's order to lay it before the Committee.

Proposal of Kh. Muhammad Azam seconded by L. Tilak Ram that application is sanctioned. Boards be put up after getting them prepared from Amritsar.

Resolved that the proposal of Kh. Muhammad Azam is carried unanimously.

Copy of resolution no. 1004, passed by the Municipal Committee, Ludhiana, at an Adjourned Ordinary General Meeting, held on the 24th of September, 1935.

1004. Proposal of Haji Qutab-ud-Din seconded by Mian Raushan Din, Municipal Commissioner, that in all Kuchas and roads of the town name-boards after proposals have been put up. It is, therefore, proposed that in the ward of Haji Qutab-ud-Din, 21 boards as per list on file be prepared and put up.

Resolved that it is sanctioned. Boards be got prepared from Amritsar and put up.

MUNICIPAL COMMITTEE, LUDHIANA.

***5112. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether the Municipal Committee, Ludhiana, had passed the resolutions mentioned in Deputy Commissioner's letter No. 8277/L. F. C., dated the 14th October, 1935, under section 179 of the Punjab Municipal Act ;
- (b) whether the Officer-in-charge, Local Bodies, directed the Executive Officer on behalf of the Deputy Commissioner not to execute the resolutions of the Committee ;
- (c) the dates on which the resolutions mentioned in (a) were passed ;
- (d) why the Executive Officer, when so ordered by the Deputy Commissioner, refused to give effect to the resolutions passed by the Committee ?

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

(b) The Deputy Commissioner, Ludhiana, and not the officer in charge of local bodies directed the Executive Officer not to execute the resolutions till further orders ;

(c) 23rd and 24th of September, 1935 ;

(d) The Executive Officer did not refuse to give effect to the resolutions passed by the Committee. Perhaps the honourable member desires to inquire why the Executive Officer refused to comply with the Deputy Commissioner's order. If so, the reason was that the Executive Officer received the Deputy Commissioner's order after the resolutions had been executed.

MUNICIPAL COMMITTEE, LUDHIANA.

***5113. Khan Sahib Chaudhri Riasat Ali :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the monthly number of references or complaint applications or anonymous letters from individual persons and municipal employees, since the constitution of the present committee, sent to the Executive Officer or the President, Municipal Committee, Ludhiana, for explanation or report by—
 - (i) the Deputy Commissioner,
 - (ii) the Officer-in-charge, local bodies,
 - (iii) any Extra Assistant Commissioners other than the Officer-in-charge, local bodies,
 - (iv) Superintendent, Deputy Commissioner's office, and
 - (v) Head Vernacular Clerk, Deputy Commissioner's office ;
- (b) whether it is a fact that the Deputy Commissioner has delegated powers to persons mentioned in (a) (i) to (v) above to forward references or complaint applications from individual persons calling for explanation or report from the President or Executive Officer, Ludhiana ; if so, why and with what result ?

The Honourable Dr. Sir Gokul Chand Narang : (a) The information is not available.

(b) No. Such applications are forwarded to the President or the Executive Officer either under Deputy Commissioner's own order or the order of an officer authorized by him in this behalf from time to time.

REFUSAL OF ACCOMMODATION FOR ASSISTANT REGISTRAR, INDUSTRIES IN DISTRICT BOARD REST HOUSE, BATALA.

***5114. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that from the 9th to the 12th of June, 1935, accommodation was reserved in the District Board Rest House, Batala, for the Assistant Registrar, Industries; if so, whether any permit was issued to the said officer;
- (b) whether it is a fact that the said officer went to the District Board Rest House, Batala, on the 10th of June and was refused accommodation by the polling officer who was at the time occupying the whole Rest House;
- (c) whether the permit referred to in (a) above was cancelled; if so, under what circumstances and under what rules;
- (d) whether the polling officer possessed any authority to use the whole Rest House; if so, whether it was shown to the Assistant Registrar when he was refused entrance into the Rest House; if not, why not?

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

(b) Yes.

(c) The permit issued to the Assistant Registrar was cancelled as, after its issue, it was found that the Rest House was required for municipal elections.

(d) The permit by which the Rest House had been turned into a polling station was shown by the polling officer to the Assistant Registrar.

BEGGARS.

***5115. Mr. E. Mayadas :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that beggars, sometimes in filthy clothing and suffering from skin diseases, have become a nuisance in the Tollinton Market in Lahore;
- (b) if so, whether Government is aware if the Municipal Committee proposes taking any action in the matter; if so, what and when;
- (c) if not, whether Government propose taking any action in the matter?

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

(b) The Municipal Committee is not taking any action.

(c) The police is already taking action in suitable cases, under section 151 of the Municipal Act.

COMMUTATION PRICES, LYALLPUR SETTLEMENT.

***5116. Khan Bahadur Malik Zaman Mehdi Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) what years have been selected for commutation prices in the settlement of Lyallpur district now in progress ;
- (b) whether any years have been excluded in connection with the commutation prices and why ;
- (c) if any year has been excluded whether there is any legal authority for its exclusion ;
- (d) on what principle certain years are excluded ;
- (e) the method of reckoning "normal prices" of various crops, and how that is fixed or arrived at ?

The Honourable Nawab Muzaffar Khan : (a) The last twenty years.

(b) No.

(c) Does not arise.

(d) and (e) Attention is invited to Rule 4 of the Land Revenue Assessment Rules, 1929.

COMMUTATION PRICES, LYALLPUR SETTLEMENT.

***5117. Khan Bahadur Malik Zaman Mehdi Khan :** Will the Honourable Revenue Member be pleased to state—

- (a) whether commutation prices for the various crops have been sanctioned for the Lyallpur settlement ;
- (b) if so, what these are, comparing them with those adopted at the last settlement ;
- (c) the yields of various crops adopted for the settlement of Lyallpur district now in progress and also the yields of such crops at the last settlement ?

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) and (c) A statement giving all the available information is laid on the table.

(b) *Coming Settlement—*

	<i>Crop.</i>		<i>Annas per maund.</i>		
Cotton	{	American	..	..	200
		Desi	..	..	168
Gur	88
Maize	48
Toria	92
Wheat	60
Wheat straw	6
Gram	52
					<i>Per acre.</i>
Orchards and Gardens	Rs. 60
Other crops	32

Current Settlement.

Crop.	Jhang Branch and Gugera Branch, I.	Gugera Branch, Circle II.	Extensions.	Proprietary villages.	Rakh Branch.
Gur, annas per maund ..	100	100	88	..	76
Cotton, annas per maund ..	150	146	146	144	137
Maize, annas per maund ..	48	48	..	..	30
Wheat, annas per maund ..	60	58	58	56	49
Toria, annas per maund ..	90	88	88	86	74
Gram, annas per maund ..	52	50	48	46	35

(c) *Coming Settlement—*

Jaranwala and Lyallpur tahsils.

Crop.	Produce per acre.
	Maunds.
Sugarcane ..	30
Cotton { American ..	6½
	Desi ..	6½
Maize ..	14
Toria ..	8
Wheat ..	14
Gram ..	11
Vegetables and Orchards ..	60
Others ..	32

For the Toba Tek Singh and Samundri tahsils the Settlement Officer has yet to publish his abstracts under Rule 19 of the Land Revenue Assessment Rules, 1929.

Current Settlement.

Crop.	Jhang Branch Circle.	Gugera Branch, Circles I and II.	Extensions.	Proprietary villages.	Rakh Branch, 1912.
Sugar (Gur), maunds per acre ..	25	38	28	Rs. 100 per acre.	18
Cotton, maunds per acre ..	5	6	Rs. 5½	5	4
Maize, maunds per acre ..	13	15	Rs. 38 per acre.	Rs. 36 per acre.	13
Wheat, maunds per acre ..	13	15	15	12	13
Toria, maunds per acre ..	7½	8½	7½	6½	7½
Gram, maunds per acre ..	10	11½	11½	10	9
Vegetables, Rs. per acre ..	80	80	..	..	25
Fodder, Rs. per acre ..	40	40	38	36	} mostly Rs. 10
Others, Rs. per acre ..	40	40	40	40	

AGRICULTURAL FARMS.

***5118. Khan Bahadur Malik Zaman Mehdi Khan :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the number of agricultural farms in the province ;
- (b) their total income and expenditure since they were started ;
- (c) whether any of them is self-supporting ;
- (d) if so, with what result ;
- (e) how many of them are entirely run by the official agency and how many of them by tenants under official supervision ;
- (f) as regards (e) what are the financial aspects of the two forms of management ?

The Honourable Sardar Sir Jogendra Singh : (a) The number of agricultural farms in the province is 28, according to Statement No. I, which is laid on the table.

(b) This information is not readily available and would have to be collected from the Deputy Directors of Agriculture. It must, however, be borne in mind that some of the farms have been in existence for a very long time, for example Lyallpur, even before the Department was started in 1906 ; Gurdaspur since 1910, etc. Many of the farms have had their areas increased gradually from time to time, and the collection of the information asked for in this part of the question would require a great deal of research. Government does not consider that the labour involved would be in proportion with the value of the result.

(c) and (d) Experimental farms are not self-supporting for the reasons given in reply to part (f) of this question. Such farms never are self-supporting anywhere. Seed farms pay their own way and return a steady income, as will appear from the figures given in Statement No. II which is laid on the table. Most of the District Farms have become self-supporting since they were given over entirely to tenant cultivation,—*vide* Statement No. III attached. The figures are very variable, and depend partly on the extent to which the different farms are irrigated. Some of them are entirely *barani*.

(e) Out of the 28 farms, eight are Experimental Farms and as such are under direct cultivation. A part of the Multan Seed Farm, the Campbellpur District Farm, the Karnal District Farm and the Ludhiana District Farm, is being used for the investigation of particular problems while the whole of the Rohtak farm has recently been converted temporarily into a Dry Farming Research Station. The rest are all cultivated by tenants.

(f) There can be no comparison of the financial aspects of the two forms of management, namely, direct and tenants cultivation. Those departmental farms which are under direct cultivation, are maintained for the purpose of carrying out experiments and as such a staff of scientifically trained officers and subordinates who are not required for ordinary cultivation has to be maintained. In such circumstances the cost of management of the directly cultivated farms under the Agricultural Department must necessarily be considerably more than that of farms cultivated by tenants under the official supervision of a single manager.

Statement No. I.—List of Agricultural Farms in the Punjab Experimental Farms.

1. Lyallpur.
2. Gurdaspur.
3. Hansi.
4. Jullundur.
5. Rawalpindi.
6. Montgomery.
7. Kala Shah Kaku Rice Farm.
8. Sirsa Botanical Sub-Section.

Seed Farms.

1. Risalewala.
2. Sargodha (new and old).
3. Vihari (Multan district).
4. Fatna (Montgomery district).
5. Shergarh (Montgomery district).
6. Chillianwala (Gujrat district).
7. Multan (100 acres taken under direct cultivation from 1st April 1935).

District Farms.

1. Gujranwala.
2. Beas (Amritsar district).
3. Attari (Amritsar district).
4. Ferozepore.
5. Ludhiana.
6. Mianwali.
7. Gujrat.
8. Campbellpur.
9. Jhagg.
10. Gurgaon.
11. Ambala.
12. Karnal.
13. Rohtak (recently temporarily converted into a Dry Farming Research Station).

Statement No. II showing the income and expenditure of the various Seed Farms in the Province during the year 1934-35.

Name of Seed Farm.	NET INCOME PER ACRE.					
	On gross area.			On cultivated area.		
	Rs.	A.	P.	Rs.	A.	P.
Fatna	15	12	0	20	11	9
Shergarh	6	8	0	8	12	8
Risalewala	22	12	8	23	13	0
Sargodha	10	5	3	11	13	6
Sargodha (Old Area)	13	7	0	14	1	6
Chillianwala	12	13	3	13	8	3
Vihari	11	8	4	12	4	0

N.B.—The figures above show only the half batai returns (Government's share). All these farms are cultivated by tenants.

[Hon. Sardar Sir Jogendra Singh.]

Statement No. III showing net return per acre obtained from various Farms in the Punjab.

Name of District Farm.	Year.	Net income per cultivated area.			REMARKS.
		Rs.	A.	P.	
1 Beas (District Amritsar) ..	1933-34 ..	5	2	3	
2 Attari (District Amritsar) ..	1933-34 ..	9	2	6	
3 Ferozepore	1933-34 ..	9	3	9	
4 Ludhiana	1932-33 ..	5	13	4	Figures for 1933-34 not available.
5 Mianwali	1933-34 ..	9	12	0	
6 Gujrat	1933-34 ..	4	4	5	
7 Campbellpur	1933-34 ..	2	4	0	
8 Jhang	1933-34 ..	3	13	4	
9 Gurgaon	1932-33 ..	3	0	2	Figures for 1933-34 not available.
10 Ambala	1933-34 ..	8	5	2	
11 Karnal	1933-34 ..	4	7	8	
12 Rohtak	1932-33 ..	8	10	1	Figures for 1933-34 not available.
13 Gujranwala	1933-34 ..	1	1	0	(Loss).

N.B.—These figures relate only to the *batai* share obtained by Government.

COMMUNAL REPRESENTATION OF LOCAL BODIES.

*5119. **Khan Bahadur Malik Zaman Mehdi Khan**: Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether a circular letter issued by the Local Self-Government to the effect that in calculating the proportionate number of seats to be allotted to the various communities in local bodies, direct taxes paid by those communities should be taken into account, was the result of the initiative taken by the Honourable Minister for Local Self-Government or whether it was the result of some representations from some persons or a body of persons ;

- (b) in case it was the result of some representations, whether he will lay them on the table ;
- (c) whether the statistics of such taxes are available in any of the local bodies ;
- (d) if not, the reasons for issuing such a circular letter ?

The Honourable Dr. Sir Gokul Chand Narang : The attention of the honourable member is drawn to the replies given to questions Nos. *5,000¹ and *5,001¹.

TUITION FEE.

***5120. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether the rates of tuition fee were increased in the Government schools, as well as private ones in the year 1984, and that they have been made uniform for both classes in each department from the lower middle to the high department ;
- (b) if the answer be in the affirmative, the previous as well as the current rates of tuition fee ; and why this increase was made ;
- (c) whether he has received any representation or complaint that this increase has proved very burdensome to the people of the province, and that it hinders the progress of education from disseminating into the masses ;
- (d) whether he proposes to reduce these rates to the original level from the next school year ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The new rates of tuition fee came into force with effect from the 1st April, 1982. The rates are applicable to Government and board schools but privately managed aided schools cannot charge higher or lower rates except with the special sanction of the Department.

An extract from Article 114, Punjab Education Code, 11th edition (1984 reprint) giving the old and the new rates is laid on the table.

The fees were raised owing to financial stringency. If fees had not been raised some schools would have had to be closed. The Department chose the lesser of the two evils. The Punjab Government had imposed a 18½ per cent. cut on all Departments to balance the budget.

(c) Some representations were received. As a result of these certain privately managed aided schools were allowed to charge fees at lower than Government rates.

(d) No.

[Hon. Malik Sir Firoz Khan Noon.]

Copy of paragraph 1 of Article 114, Punjab Education Code (11th edition)
(1934 reprint.)

114. The scale of fees for pupils in Government and Board anglo-vernacular schools for boys shall be as follows :—
Fees in Government and Board anglo-vernacular schools.

Grade.	*IV. Class.	VI. Class.	*VII and Special Classes.	VIII Class.	*IX Class.	X Class.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Grade I ..	3 0 0	4 0 0	5 0 0	6 0 0	7 0 0	8 0 0
Grade II ..	1 8 0	2 0 0	2 8 0	3 0 0	3 8 0	4 0 0

*With effect from 1st April 1932, the scale of fees for these classes shall be as follows :—

Grade.	V class.	VII and special classes.	IX class.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
Grade I ..	4 0 0	6 0 0	8 0 0
Grade II ..	2 0 0	3 0 0	4 0 0

TUITION FEES IN PRIVATE SCHOOLS.

*5121. **Shrimati Lekhwati Jañi** : Will the Honourable Minister for Education please state—

- whether it is a fact that previous to 1934 the private schools were allowed to charge 25 per cent. less fees than those charged in Government schools ;
- if not, since when this privilege has been withdrawn and why ;
- whether it has affected the admission of students into the private schools ;
- whether he proposes to allow the old concession to the private schools from the beginning of the next school year ?

The Honourable Malik Sir Firoz Khan Noon : (a) and (b) The concession allowed to privately managed aided schools of charging tuition fees at not less than 75 per cent. of the fees levied in Government and board schools was withdrawn in 1931. Schools desiring to charge fees at higher or lower than Government rates can do so with special sanction.

- Government has no information.
- There is no such proposal under consideration at present.

SERVICE RULES FOR EMPLOYEES OF PRIVATE SCHOOLS.

***5122. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the new service rules for the employees of private schools were introduced to improve their status in these schools, particularly as regards their security of tenure and regular promotion ;
- (b) if the answer to (a) be in the affirmative, what steps have been taken to enforce these rules in the said schools and whether these are applied to all cases of teachers arising under them now-a-days ;
- (c) what action he proposes to take to regularly enforce all such rules, with a view to achieve the object of their introduction ?

The Honourable Malik Sir Firoz Khan Noon : (a) The rules of service for employees in recognised schools under private management were framed with a view to safeguarding teachers against summary or unfair dismissals and school management against loss and disarrangement of work caused by resignations of teachers without due notice.

(b) Newly opened schools seeking recognition are required to adopt these rules as a condition of recognition. The question of retrospective application of the new rules of recognition to schools recognised before their promulgation is under consideration.

(c) Does not arise.

CUT IN SALARIES OF EMPLOYEES OF PRIVATE SCHOOLS.

***5123. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the private schools were required to reduce the salaries of their employees by 10 per cent. during the period of retrenchment simultaneously with the reduction in the salaries of Government servants ;
- (b) if the answer to this be in the affirmative, whether the private schools have also been directed to restore that cut or not, now that it has been restored in the case of Government servants ;
- (c) whether the inspectors of schools have been instructed not to reduce staff expenditure by 10 per cent. in calculating the staff grant, now that the cut has been restored, in cases of such schools in which no cut had been made in the salaries of their staff ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, the authorities of the local body and privately managed schools were advised to impose a cut of 10 per cent. on the pay of their teaching and clerical staffs ;

(b) On the restoration of 5 per cent. cut in the pay of Government servants the inspectors were authorised to permit the authorities of such of the schools as had actually applied the cut to restore half the cut. Similar instructions were issued on the restoration of the full cut.

[Hon. Malik Sir Firoz Khan Noon.]

(c) the inspectors were advised to make the necessary adjustments in the grants of aided schools on the restoration of the half and the full cut, respectively.

FUNDAMENTAL RULES NOS. 24 AND 25.

***5124. Mr. M. A. Ghani :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that Fundamental Rules Nos. 24 and 25, regarding annual increments allowed to Government servants, were recently elucidated by the Accountant-General, Punjab, in his letter No. T. M. 1/910/31-32 ;
- (b) if so, in connection with whose case was the elucidation made and whether he will give the facts of that case very briefly ?

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

(b) Government has no information on this point.

REVISED LEAVE RULES IN PUNJAB GOVERNMENT PRINTING PRESS,
LAHORE.

***5125. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Punjab Government have applied to the workers of the Punjab Government Printing Press, Lahore, the Revised Leave Rules for press employees published in the *Government of India Gazette* as the Government of India notification No. F. 7 (55)-R. 1/35, dated Simla, the 3rd October 1935, and printed in Part II at pages 327-28-29 of the *Punjab Government Gazette*, dated October 18, 1935 ;
- (b) if so, whether it is a fact that the other rules relating to the other conditions of service laid down in the *Government of India Printing Press Handbook, 1929*, have not been made applicable to the workers mentioned in (a) ;
- (c) if so, reasons for applying the rules mentioned in (a) and not applying those mentioned in (b) to the workers mentioned in (a) ?

The Honourable Nawab Muzaffar Khan : (a) No.

(b) and (c) Do not arise.

PATWARIS, LAMBARDARS, SUFAIDPOSHES AND ZAILDARS.

***5126. Mr. M. A. Ghani :** Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the revenue and canal patwaris of this province are regarded not as "Government servants" but as "village servants" i.e. "mulazaman-i-dahi" ;
- (b) the reasons for so regarding them ;

- (c) the difference between the conditions of service of the "Government servants" and the "village servants";
- (d) whether it is a fact that the lambardars, the *sufaidposhes* and the zaildars of this province are like the patwaris also "village servants";
- (e) whether it is a fact that in the cases of appointment, suspension and dismissal of the lambardars, the *sufaidposhes* and the zaildars, legal practitioners are allowed to appear while in the similar cases of the patwaris they (legal practitioners) are not allowed to appear;
- (f) if answer to (e) be in the affirmative, reasons for the disparity and invidious distinction made in the matter of the appearance of the legal practitioners in the two respective cases?

The Honourable Nawab Muzaffar Khan : (a) Canal patwaris are regarded as Government servants, but revenue patwaris are only village officers.

(b) Revenue patwaris are not regarded as Government servants partly on account of technical question that might arise, but chiefly on account of the special connection which exists between the patwaris and the villages of which he is in charge.

(c) As regards Government servants, attention is invited to various notifications issued from time to time by Government framing rules governing members of such subordinate services. Patwaris are village officers as defined in section 3 (11) of the Land Revenue Act.

(d) Lambardars, *sufedposhes* and zaildars are village officers.

(e) Yes, generally legal practitioners do not appear in patwari cases but there is no legal bar to their appearance.

(f) Does not arise.

TONGA DRIVERS AND MUNICIPAL COMMITTEE, LAHORE.

***5127. Mr. M. A. Ghani :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether any complaint was made to the President of the Municipal Committee, Lahore, on behalf of the Lahore Tonga Workers' Union, Lahore, in August 1934, as regards corruption, bribery, favouritism, nepotism, jobbery and filthy language practised by the Municipal Hackney Carriage Inspectorate and their unnecessary harassment of the tonga drivers of Lahore;
- (b) whether it is a fact that the President promised to hold an enquiry into the subject matter of the complaint;
- (c) whether any enquiry was made; if so, when and in what manner;
- (d) whether he will place on the table a copy of the enquiry report, if any;
- (e) if answer to (c) be in the negative, reasons for not making the enquiry;
- (f) whether he intends to ask the Lahore Municipality to hold the enquiry in the public interest?

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

(b) The President is reported to have assured the deputation of tonga drivers that any specific instances of the kind will be duly considered.

(c) No, as no specific allegations are reported to have been brought to notice.

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

UNSTARRED QUESTIONS AND ANSWERS.

BOOTAWAH CANAL.

1311. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether the Bootawah canal of the Grey Canal system in the Ferozepore district, during the season 1935, flowed for its normal period ;
- (b) on what date it commenced running ;
- (c) on what date it ceased running entirely ;
- (d) between these dates for what periods it was running so low as to be unable to irrigate lands except which were at a very low level ;
- (e) whether it is a fact that in many villages most of the rice sown depending upon the canal is practically a failure ;
- (f) whether it is a fact that most of the other *kharif* crops sown depending upon this canal have suffered heavily ;
- (g) the cause of the failure of the canal ;
- (h) what action Government proposes to take to avoid similar failure occurring in future as far as possible ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

DRINKING WATER IN RURAL AREAS.

1312. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to lay a statement on the table showing the action taken in connection with a statement which was circulated by the Director of Public Health in August, 1935, to non-official members of the Council on the subject of improvements in the drinking water in rural areas by means of trial borings, with the results of such trials ?

The Honourable Malik Sir Firoz Khan Noon : A note giving the necessary information is laid on the table.

Water Supply Rural Areas.

I.—AMBALA DIVISION.

(a).—*Trial borings.*

1. The borings put down in the districts of Hissar, Rohtak, Gurgaon and Karnal in brackish water zones were instituted with the hope of striking sweet water in the deeper sub-soils. This hope, however, was not achieved and the results of these bores, coupled with results of several trial borings previously carried out in these districts, of which one sunk a long time ago near Bhiwani (District Hissar) went to a great depth, shows that little hope remains of striking good water in the deeper sub-soils of these areas. There is little chance left therefore.

of being able to improve the water supplies in these brackish water areas by borings in the alluvial strata. The borings put down during the past 6 or 7 years are as follows:—

(i).—*Bhuriana, Kerasa and Alakpur (Hisar district).*

A 250 feet bore was put down. Result unsatisfactory as no sweet water was struck.

(ii).—*Mundasa (Rohtak district).*

Work is in progress; final results are not yet available.

(iii).—*Trial bores in 3 wells Jhajjar tahsil (Rohtak district).*

A 250 feet bore was put down at Kunderwali. Results unsatisfactory—no sweet water was struck.

(iv).—*Lohsinghani, Sakrauna and Bhanpur (Gurgaon district).*

Bores put down to 250 feet only brackish water was struck—results unsatisfactory.

(v).—*Sikri near Pakwal (Gurgaon district).*

Bore put down to 250 feet only brackish water was met with results unsatisfactory.

(vi).—*Qutubpur and Dawal (Karnal district).*

Bores put down to 250 feet and 170 feet respectively in 1930—Sweet water bearing strata not found.

2. In the case of the Ambala district there has been better success with boring as the sub-soil in the sub-montane tract contains sweet water, although the water bearing strata is deficient in coarse sandy strata which are prevalent in the Central Punjab. The following works were put down:—

(vii).—*Kalewal.*

A bore was put down and sweet water was proved and a well has been completed and handed over to the local people.

(viii).—*Suketri.*

No bore was found necessary but a well has been sunk and handed over to the local people.

(ix).—*Jathari.*

A bore was put down and the yield of the existing well was improved by sinking a cylinder therein.

(x).—*Ganganpur.*

A bore was put down and water was found. The bore was converted into a small tubewell with hand pump which was handed over to the local people.

(xi).—*Other work.*

(a) *Well at Dulyana.*—This work will be started as soon as the sanctioned estimate is received by the Public Health Department.

(b) *Improvement of 6 wells Narasingarh tahsil.*—This was done by the District Board, Rohtak, and the results have been reported to be satisfactory. The work consisted of sinking cylinders in the beds of existing wells and 25 more wells are being put in hand on similar lines.

(c) *Gopal Mochan Fair water supply.*—Work completed and functioning satisfactorily.

II.—JULLUNDUR DIVISION.

Generally in this division water supply can be got from percolation wells or rivers (and springs in the hills) consequently there is not a great demand for deep borings for rural water supplies.

The work done consisted of:—

(a) *Wells at Tikka Amreh, Narbana and Bahl* and improvement of Tikka Ghar. Work carried out locally by District Board.

(b) *Survey of Bit Haqa for water supply.*—A complete water supply scheme has been designed in detail based on the River Sohan for the Bit Haqa having a population over 25,000 with over 30 villages. The cost will be about Rs. 6,00,000 and the scheme is awaiting funds.

III.—LAHORE DIVISION.

In this division also generally rural water supply can be got from percolation wells and canals but there is still some demand for boring. The following work was carried out:—

Sialkot Rural Water-supply.

Trial borings were put down about 150 feet deep each in 4 villages of the Sialkot district, viz., Kammanwala, Bawaryana, Gulbahar Khurd and Gulbahar Kalan.

[Hon. Malik Sir Feroz Khan Noon.]

These were all successful. They were converted into tube wells fitted with hand pumps and handed over in working order to the District Board.

IV.—RAWALPINDI DIVISION.

There is an acute problem in regard to water-supply in the Attock district and also in the Salt Range generally.

An effort has been made to find water by boring in the above areas as described below but without success as the notes below will show—

(i).—*Boring at Matore (district Rawalpindi).*

A hole was sunk in boulder strata but no water was found. A further search for water is now being made in the area surrounding Matore, in the hope of being able to put forward a feasible scheme of water-supply.

(ii). *Borings in villages Injra, Basai, Khunda, Dhurnal, Ratewal pind, Bukhuwar and Ahmdal (district Attock).*

These are situated in a rock area in which there is severe scarcity of water.

The work of boring involved the provision of expensive cumbersome rock drilling machinery which was carried out by the Rock-Boring Section of the Agricultural Department. Two bores were put down one at Khunda in hard rock for 400 feet no water being found and the other at Dhurnal for about 125 feet and only a very small quantity of surface water was found percolating in the borehole. The whole of the funds were practically exhausted in the above work and on account of financial stringency it was decided by the Sanitary Board that funds to pursue further investigation could not be granted, so the work was closed down.

From the results proved at Dhurnal and Khunda, it would appear there is not much hope of getting water in the rocky subsoil of the Attock District.

(iii).—*Borings, Mianwali district—Chidru, Ghundi and Nagni (district Mianwali).*

The Chidru bore proved successful in finding sweet water about 150 feet below the surface and an estimate for a complete water supply scheme has been prepared and is awaiting funds for execution. A bore was put down at Ghundi and the yield of the existing well has been augmented. A bore has been put down at Nagni and the yield of the well improved.

(iv).—*Other work.*

(a) *Choa and Katas Fair Water-supply Extension.*—The work includes provision of filter and pipeline extensions. It is completed and working successfully.

(b) *Survey of water-supply resources of Salt Range.*—As a result of this survey a large number of water-supply schemes have been prepared for the area bordering the southern escarpment of the Salt Range in the districts of Jhelum, Shahpur and Mianwali where there is a very serious shortage of water. These schemes are ready for execution but funds are awaited.

(c) *Thal Haqa Water-supply Extension.*—The extensions of pipelines from the main pipeline bringing water from the Sardi spring on the Salt Range to the desert area round Lilla south of the Salt Range, in order to supply water to the village of Lilla, Dhudi and Jethal (population about 7,000 to 8,000) have been completed and are functioning satisfactorily. Before the pipelines were laid the only good drinking water obtainable used to be brought in tank wagons by rail.

(d) *Tamman Water-Supply.*—This is a self-contained rural water-supply scheme for the large village of Tamman (district Attock) consisting of wells, pumping plant, reservoir and skeleton distribution system. The scheme is completed and functioning. It is a great boon to the local people.

(e) *Nurpur Fair Area Water-supply (Rawalpindi district).*—This scheme is based on a spring in the Murree Hills, the water being delivered to the Fair area as well as to the village by a pipeline. It is completed and functioning satisfactorily.

(f) *Katri village Water-supply.*—This work is not yet completed.

V.—MULTAN DIVISION.

(i) *Trial bore Sakhi Sarwar (Dera Ghazi Khan district).*—In this area, there is a demand for boring work especially in the Dera Ghazi Khan district where a severe shortage of good water exists, but unfortunately good results have not been obtained except in the vicinity of the banks of the river Indus. A trial hole has also been sunk at Sakhi Sarwar on the Dera Ghazi Khan-Fort Munro Road and good water was found at about 160 feet depth. A scheme for the water supply of the large village of Sakhi Sarwar and of the religious fair held there has been prepared in detail, based on a deep well to be sunk at the site of the trial hole put down.

(ii) *Water-supply, Chak No. 115-G. B. (Lyallpur district).*—This work was carried out by the District Board direct.

ADMISSION INTO INDUSTRIAL SCHOOLS.

1313. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) what qualifications are required to enter Government industrial schools ;
 (b) whether the public educational schools in the province have been supplied with necessary information regarding admission into the Industrial Schools ;
 (c) the number of Government industrial schools in the province ?

The Honourable Dr. Sir Gokul Chand Narang : (a) and (c) : A statement is laid on the table.

(b) Information regarding admissions has not been circularised specifically to all schools of the Education Department, but is supplied to all who ask for it. Prospectuses have been printed for the benefit of those interested in admissions. And information concerning admissions is further made known to the public by means of—

- (i) publication of notes and communications from time to time in the press,
 (ii) distribution of leaflets, pamphlets and posters on the occasions of exhibitions, fairs and similar other functions, and
 (iii) local distribution of brief posters at the time of admissions.

It may be noted for the information of the honourable member that in one case where the headmaster of an Education Department school took interest in the matter, not only were the prospectuses supplied to him, but also samples of goods produced in certain institutions of the Industries Department were sent to him free by the Director of Industries for display in his school.

Statement showing the names of Government Industrial Schools and also the minimum educational standard for admission.

Serial No.	Name of School.	Minimum qualifications for admission.
1	2	3
1	Mayo School of Arts, Lahore	Final examination of an industrial school or the Vernacular Final Examination of the Education Department. Preference is given to students knowing English.
2	Government Technical School, Lahore	Anglo-Vernacular Middle Examination of the Education Department. Preference is given to matriculates and Industrial Final Examination passed candidates.
3	Government Industrial School, Gujranwala.	Vernacular Final Examination of the Education Department. Preference is given to Anglo-Vernacular Middle passed or Industrial Final Examination passed students with metal work as their craft subject.

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Serial No.	Name of School.	Minimum qualifications for admission.
1	2	3
4	Government Industrial School, Kasur..	Vernacular Final or Anglo-Vernacular Middle School Examination of the Education Department.
5	Government Industrial School, Ludhiana	Ditto ditto.
6	Government Industrial School, Kulu ..	Boys possessing knowledge of the local methods of weaving are admitted. Preference is given to literate weavers.
7	Government Industrial School, Lyallpur	Boys who have passed at least the 6th class examination of a general education school are admitted.
8	Government Industrial School, Jhang-Maghiana.	Ditto ditto.
9	Government Industrial School, Muzaffargarh.	Vernacular Final Examination of the Education Department.
10	Government Industrial School, Ambala Cantonment.	
11	Government Industrial School, Amritsar	
12	Government Industrial School, Bhiwani	
13	Government Industrial School, Dera Ghazi Khan.	
14	Government Industrial School, Gujrat ..	
15	Government Industrial School, Ferozepore.	
16	Government Industrial School, Hoshiarpur.	
17	Government Industrial School, Jullundur.	
18	Government Industrial School, Montgomery.	Boys who have passed at least the 6th class examination of a general education school are admitted.
19	Government Industrial School, Multan.	
20	Government Industrial School, Panipat.	
21	Government Industrial School, Rawalpindi.	
22	Government Industrial School, Rewari.	
23	Government Industrial School, Rohtak.	
24	Government Industrial School, Sargodha.	
25	Government Industrial School, Sialkot.	

STUDENTS QUALIFYING FROM INDUSTRIAL SCHOOLS.

1314. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether any record is kept of boys that qualify from the industrial schools, and of the number who secure employment ;
- (b) if so, the number of boys who qualified in 1934 and of those out of them who have secured work ;
- (c) the average wage they have been able to earn ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes. The information is given every year in an appendix to the Annual Report on the working of the Industries Department.

(b) A statement is laid on the table.

(c) Wage rates are so various for different grades of work that it is not possible to quote an average rate. The highest rate of pay received as a start on record is Rs. 80 per mensem, but most pupils start at annas 8 to Re. 1-0-0 per day.

Statement showing the number of boys who qualified in 1934 and of those who have secured employment.

Number of students who qualified from industrial schools in 1934.	237
Number of students known to be studying further in higher technical institutes.	69
Number of students who joined high schools of the Education Department with intention of passing the matriculation examination.	9
Number of students working in an employed capacity in the trades they had learnt.	43
Number of students who secured Government or State service as <i>misitris</i> .	4
Number of students who have started their own business ..	78
Number of students known to be unemployed ..	21
Number of students untraceable (i.e., those who have not cared to reply to enquiries).	13
Total ..	237

REGISTRATION OF BIRTHS AND DEATHS.

1315. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state the names of local bodies that have framed bye-laws for registration of births and deaths and where failure to report is attended with a penalty ?

The Honourable Dr. Sir Gokul Chand Narang : It is regretted that the answer to this question is not yet ready.

CONCILIATION BOARDS UNDER THE PUNJAB RELIEF OF INDEBTEDNESS ACT.

1316. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state the names of districts in which Conciliation Boards under the Punjab Relief of Indebtedness Act have been constituted ?

The Honourable Mr. D. J. Boyd : Amritsar district (the whole district).

Jhang district (the whole district).

Hoshiarpur district (Garshankar tahsil only).

Karnal district (Panipat tahsil only).

HOMEOPATHIC INSTITUTIONS.

1317. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state—

(a) whether Government has kept a record of the Homeopathic institutions in the province that issue diplomas, degrees or certificates ;

(b) if so, their number and where they are located ;

(c) whether these institutions are recognised by Government ?

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

(b) Does not arise.

(c) No.

INDIAN CHRISTIANS IN GOVERNMENT SERVICE.

1318. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state whether any maximum share has been fixed for Indian Christians of the following posts ; if so, what ;

(1) Punjab Civil Service, 222 ordinary appointments ;

(2) Police Department subordinate service,—

138 Inspectors ;

821 Sub-inspectors ;

349 Assistant Sub-inspectors ; and

3,082 head constables ;

(3) Jail Department, 94 Assistant Superintendents ?

The Honourable Mr. D. J. Boyd : No.

INDIAN CHRISTIANS IN GOVERNMENT SERVICE.

1319. Mr. E. Mayadas : Will the Honourable Member for Revenue be pleased to state whether any maximum share has been fixed for Indian Christians of the following posts ; if so, what ;

(1) Public Works Department, Irrigation Branch ;

(i) Provincial Service 97—Punjab Engineering Service ;

(ii) Subordinate Service 410—Subordinate Engineering Service ;

(iii) 237 zilladars ;

(2) Department of Agriculture—

Subordinate Service ;

200 Agricultural Assistants ;

(3) Excise Department—

158 Inspectors and sub-inspectors ?

The Honourable Nawab Muzaffar Khan : (1) No. Indian Christians are included in the category of "Hindus and Others" for whom 88 per cent. of the total appointments to the Irrigation Branch are reserved, and the legitimate claims of small communities receive full consideration.

(2) and (3) No maximum has been fixed.

INDIAN CHRISTIANS IN GOVERNMENT SERVICE.

1320. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether any maximum share has been fixed for Indian Christians of the following posts; if so, what;

Land Revenue Department :—

- (1) 120 tahsildars ;
- (2) 178 naib-tahsildars ;
- (3) 750 kanungos ?

The Honourable Nawab Muzaffar Khan : No.

INDIAN CHRISTIANS IN GOVERNMENT SERVICE.

1321. Mr. E. Mayadas : Will the Honourable Minister for Education be pleased to state whether any maximum share has been fixed for Indian Christians of the following posts, if so, what ;

(a) Education Department—

- (1) Provincial Service :—
105 Punjab Educational Service (Men's Branch) Class II ;
- (2) Subordinate Service :—
988 Subordinate Education Service (A. V. Section),
887 Subordinate Education Service (Cl. v. V. Section) ;

(b) Medical Department—

- (1) Provincial Service—
151 Civil Assistant Surgeons (Men) ;
- (2) Subordinate Service—
565 Sub-Assistant Surgeons (Men) ?

The Honourable Malik Sir Firoz Khan Noon : The answer is in the negative.

UNAUTHORISED SALE OF CEMENT BAGS BELONGING TO BHIWANI MUNICIPALITY.

1322. Lala Chetan Anand : Will the Honourable Minister for Agriculture be pleased to state :—

- (a) whether it is a fact that a member of the Bhiwani Municipal Committee complained to the Executive Engineer, Public Health Department, that cement bags belonging to the Department kept at Bhiwani for the construction of drainage works were sold to several citizens of Bhiwani, by the contractors of the Department ;
- (b) if so, what action has been taken or is proposed to be taken by the officer concerned ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The complaint has been handed over to the Deputy Commissioner for proper enquiry and necessary action.

SUB-REGISTRAR'S OFFICE, ALAWALPUR.

1323. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it was proposed to discontinue the office of the Sub-Registrar under paragraph 6 (2) of the Punjab Registration Manual, when Sardar Achhar Singh, late Sub-Registrar of Alawalpur, District Jullundur, resigned in 1932-33 ;
- (b) whether that proposal was dropped later on ;
- (c) who was appointed sub-registrar at Alawalpur in 1934 ;
- (d) the total number of offices of sub-registrars in Jullundur district ;
- (e) how many of these are occupied by non-Muslim gentlemen ?

The Honourable Dr. Sir Gokul Chand Narang : (a) and (b). The question whether the office should or should not be abolished was considered in 1932-33 ; but it was decided to retain the office.

(c) Sardar Gurbachan Singh, the present Sub-Registrar, Alawalpur, was appointed in 1933.

(d) Five.

(e) Four.

SUB-REGISTRARS' OFFICE, ALAWALPUR.

1324. Chaudhri Afzal Haq : Will the Honourable Minister for Local Self-Government please state—

- (a) when the Alawalpur, district Jullundur, Sub-Registrar's office was established ;
- (b) whether he will lay on the table a statement showing the number of deeds registered, income, expenditure and net income to the Government for the last ten years ;
- (c) if the office is a source of income to Government, on what grounds the discontinuance of this office is proposed ?

The Honourable Dr. Sir Gokul Chand Narang : (a) 1867.

(b) A statement is laid on the table.

(c) The policy of Government is to concentrate offices at the headquarters of districts or of tahsils ; and as Alawalpur is neither the headquarter of a district nor of a tahsil and as the Sub-Registrar's office at the headquarters of the Jullundur district had fallen vacant, the opportunity has been taken to amalgamate both in the offices at the headquarters of the Jullundur district.

Statement showing the total number of deeds, income and expenditure for the last ten years of the office of Sub-Registrar, Alawalpur.

Year.	Number of deeds.	Income.	Total expenditure.	Net income to Government.
1	2	3	4	5
		Rs.	Rs. A. P.	Rs. A. P.
1925	888	5,520	1,554 0 0	3,966 0 0
1926	993	6,465	1,699 4 0	4,765 12 0
1927	995	6,425	1,546 0 0	4,879 0 0
1928	1,084	7,103	1,819 2 0	5,283 14 0
1929	964	6,149	1,705 6 0	4,443 10 0
1930	898	5,692	1,570 4 0	4,121 12 0
1931	855	5,126	1,758 1 0	3,367 15 0
1932	1,058	6,278	1,602 6 0	4,675 10 0
1933	1,067	6,320	1,558 4 0	4,761 12 0
1934	1,007	5,820	1,310 12 0	4,509 4 0

THE PUNJAB CRIMINAL LAW (AMENDMENT) BILL.

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to present the report of the Drafting Committee on the Punjab Criminal Law (Amendment) Bill.

Mr. President : The formal or consequential amendments recommended by the drafting committee have been circulated among the hon'ble members. Now I will put them one by one for obtaining thereon the decision of the House.

The following amendments were then put from the chair and agreed to by the Council.

That sub-clause (1) of clause 2 be redrafted as follows :—

“ The Local Government, if satisfied that there are reasonable grounds for believing that any person is a terrorist or communist, and that he has acted, is acting, or is about to act as such in a manner prejudicial to the public safety or peace, may, by special order in each case, authorise any gazetted officer of Government to arrest such person without warrant, or to direct the arrest without warrant of such person.”

That proviso to sub-clause (1) of clause 2 be omitted.

[Mr. President.]

That for clause 3, sub-clause (2), the following sub-clause be substituted :—

“ An order made under sub-section (1) shall not, unless the Local Government by special order otherwise directs, remain in force for more than one month and in any case for more than twelve months from the making thereof. ”

That in clause 8 in place of the figure and letters ‘1st’ between the words ‘of the’ and ‘Class’ the word ‘First’ should be substituted.

That at the end of clause 8 the words ‘to give effect to his order’ should be altered into ‘to give effect to the order’.

That in clause 9 the sub-clauses should be numbered ‘(1)’ and ‘(2)’ and not lettered ‘(a)’ and ‘(b)’.

That in clause 11 the word ‘representation’ between the words ‘visible’ and ‘or otherwise’ should be replaced by the word ‘representations’.

That clause 12 should be placed after clause 13 and the numbers of the two clauses should be changed.

The Honourable Mr. D. J. Boyd (Finance Member) : I beg to move—

That the Punjab Criminal Law (Amendment) Bill be passed.

Mr. President : The motion moved is—

That the Punjab Criminal Law (Amendment) Bill be passed.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I do not wish to say much on this motion because enough has already been said on the previous occasion, but I want to clear one point which I raised during the discussion of the Bill then. I said when this Bill was being considered clause by clause that there was a definite promise by the Finance Member who piloted this Bill in 1932 that this Bill would be used against terrorists and anarchists and civil disobedience men alone. Those were the serious movements prevailing at that time and the Honourable Finance Member gave a definite promise which was repeated in this Council not once but twice that this Bill would not be used against any other movement. The Honourable Finance Member on that day stated that I had no authority for that statement. I would draw the attention of the House to the proceedings of this Council, dated the 21st November 1932 ; on page 516 of the Debates Shaikh Din Muhammad speaking on behalf of his party says :

The Honourable the Finance Member has always been prepared to give an undertaking to the effect that this chapter would be used against terrorists and anarchists only.

By “ this chapter ” he means the chapter relating to arrest and detention. I am perfectly sure that even to-day he would repeat the same assurance which was given then. The Honourable Member for Industries also said the other day that this assurance was given there in his presence in the select committee. There is no doubt absolutely and I say this without fear of contradiction that an assurance, definite, sure and firm, was given in this Council to the effect that this Bill would not be used against any movement other than the terrorist and civil disobedience movements.

The Honourable Mr. D. J. Boyd : May I ask the honourable member to read Sir Henry Craik’s own words ?

Chaudhri Allah Dad Khan: He gave this assurance in the select committee, and when Shaikh Din Muhammad referred to it, the Honourable Finance Member did not contradict it. Can there be any doubt about the point when Shaikh Din Muhammad stated in the Council that the Finance Member had given the assurance in the select committee that the Bill would only be used against the terrorist and civil disobedience movements and the Honourable Finance Member who was present in the Council at the time did not contradict that statement? The Finance Member has contradicted me again and it is for people to judge who is right and who is wrong. There can be no possible doubt that the assurance was given definitely. When after that assurance the Act was used twice against a movement which had no connection with the movements against which it was intended, I consider that to be a breach of faith and it is that breach of faith that I referred to the other day. Government may give a further assurance that this Act will not be used against social movements but what is the guarantee? As I said the other day, if this Act had not been in the hands of Government, they would have acted with greater moderation and greater tact than they have done so far in the Shahidganj affair. Those unfortunate blunders of Government have been discussed at great length in the Council and I need not go into them; but the havoc produced is the result of this breach of faith on the part of Government. After this no one can blame me for accusing the Government of breach of faith. Here is a statement, here is the chapter and verse for it and here is the breach of faith I referred to. After this there is no question about it. That of course has been a deliberate mistake on the part of Government. They should have consulted Sir Henry Craik who is still in India and he of course gave this assurance as a Member of Government. He was part and parcel of Government at that time, in fact he was in charge of the department which deals with the terrorist and civil disobedience movements and after he had given this assurance there was no question of there being any mistake in the giving of the assurance or the lack of authority on the part of the gentleman who gave it, and it is possible that the honourable members who are passing this Act to-day may be labouring under some mistake that it will not be used against such social movements. But I can assure the House that it will be again used against such movements. There is only one clause—clause 2— which has been restricted to communists and terrorists, but clause 3 which is the real poison in this Bill remains as before. In clause 3 there is no restriction that it will not be used against social movements.

Those who were deported were deported at a moment's notice. No one can say that a man can be taken away in that way. Even the Czar of Russia was not treated that way by the rebels who dethroned him. He was given a whole night to get prepared and in the morning he was taken away. But in the case of M. Zafar Ali and Syad Habib, the police went to their houses, asked them to get into the car and drove them away. Government should give a notice to a man and not make such a drastic use of the Act. The Punjab Government seems to have been acting as if it had no superior responsible officer, as if it was more drastic than the Bolshevik Government in Russia which they condemn so much.

[Ch. Allah Dad Khan.]

Another trouble is that Government takes no trouble to ensure that the correct section is applied. Whatever section comes into their head they hurriedly apply it, bothering not about the niceties of the law as long as they have got the man who is suspected of anything improper. I say this is a very drastic use of the law and it is not safe to entrust the Government with this law which they will again use in the same drastic manner. I challenge the Government to show a single instance in which they have used this law with discretion and according to the procedure. In every case the policeman goes to a person's house probably at 12 o'clock in the midnight and at once arrests him. If the Government uses the law properly, even though it may be what is commonly known as 'lawless law', people will not mind it. It is the drastic use of such a law that has provoked so much complaint from the people. If it is the intention of the Government to use the law in such a reckless way, it might as well proclaim in plain language that it is out to ruin the people whom it considers to be politically minded. A similar law was not in existence before 1910 and at that time people had great regard for Government. It is this drastic power given into the hands of the Government that has made it lose the respect of the people. This drastic power has done the Government more harm than good. In view of the fact that the Government has misused the law in the past we should not entrust it with the same power again.

It may be contended that the Government will give an assurance that it will use the power this time with great moderation. Even then, I should be strongly opposed to give this power to the Government. For, where is the guarantee that it will stick to its assurance? Moreover, if Mr. Boyd gives an assurance to-day it may not have any binding effect on his successor. His successor while abusing the law will say that he never gave any undertaking that he would use it with moderation. If Mr. Boyd will give an assurance that he will continue in his office for five years or till this law expires, then perhaps I may not have any objection to it on this last score. But it is very likely that he may go out as the Governor of some other province or even as a member of the Viceroy's Council; and then his assurance will have no binding on his successor.

The third ground why I should oppose this measure is the provision of clause 17 in the Bill. It imparts great power to the police. They can do anything with impunity. If any police officer has got any personal grudge against anybody else, he can make use of this law to harass him with impunity and his conduct cannot be questioned. The policeman has only got to say that a particular individual is acting or is about to act in a manner dangerous to public safety and the latter is immediately arrested. The Government accepts the word of the policeman as gospel truth and never cares to verify his statement by making independent enquiries. The policeman raises unnecessary alarm and had it not been for this alarm which the Government always readily believes, the recent troubles would not have assumed the proportions that they did. Why then, should this Council give power to the Government if it cannot use it properly? Just as the Government wants to arm itself in order to be cautious in the future, we must also be cautious in empowering the Government. We should not

recklessly entrust the Government with such drastic powers which we are not sure will be used with moderation.

I do not want to make a long speech. The three points which I have urged are enough to justify honourable members in rejecting this measure. These points are absolutely unanswerable. The Honourable Finance Member argued that it was due to this measure that the civil disobedience and terrorist movements were put down. If he really believes it, then I should say that he is revelling in ignorance and I wish him joy of it. That is not a fact at all. This belief on the part of the Honourable Finance Member that the subsidence of the two movements is due to this Act is like the belief of a lover who thought the loyalty of his beloved to him was due to his lamentations and moans just as is said in one place—

وفات دلبران نے اتفاقی ورنہ اسے ہمدم
اثر خواب دلہائے حزن کا کس نے دیکھا ہے

This Act has nothing to do with the diminution or abatement of these two movements. They died their natural death. If the two movements ceased it was possibly due to the clever hit of Lord Irwin which was so successfully piloted by the present Governor of our province. That was "the most unkindest cut of all" which lessened the activity of the two movements and not this Act which has been absolutely of no use. These two movements had their origin in the patriotism of the people and the chain of this law is less irksome than the rigours of the iron chain. People do not feel the irksomeness of this law at all when actuated by notions of liberty.

جو خواندی درس آزادی گلستان سے شوق زندان
کہ روز جمعہ بازیگاہ طندان است مکتبہا

This is an illustration to show that if you read the lessons of liberty then a prison becomes a garden, a paradise. A school is such a troublesome place to students, but on a holiday it becomes a playground. Children go and play there on a holiday and they do not think of their teachers' frowns and birches. Why should not the Government follow that old venerable and respected noble Lord, Lord Irwin and adopt the policy of conciliation which helped a great deal in suppressing the civil disobedience and terrorist movements in spite of the provocation which was given to them later? It is the policy of conciliation that can serve as the healing balm. The Government has tried the experiment and tabulated the results. Why does it not act on it, when it has been a great success in bringing about peace in the province? All agitations will go out. The policy of repression which the Government has been following in the past has not brought about any satisfactory results. It must show by its acts of kindness that it has the good of the people at heart and that whatever it does is meant for their welfare. Not only in the Punjab, which is after all a small province, but everywhere where harsh laws are enacted the people get agitated and rise in revolution. Of course there are times when repressive laws have to be framed, but the present is not the time for such laws. Just now the two movements are practically dead. Why should we have electric treatment, as it were, for resuscitating those movements which will only have the

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effect of putting life into them? The oppressive law which the Government now proposes to enact will have no other effect. I see the members of the Government are a small minority in this Council. They are not so powerful. But some of the honourable members

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of this House are thinking that this would be applied against the other community. Even if it is applied to the other community why should they give such a power to the Government? After all we should have some respect for the liberty of our electors. With these words I oppose the motion.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): I have very carefully gone through the provisions of this Bill as amended by the drafting committee. I really find that there is no difference worth the name in the present Bill and the Bill that was placed before the select committee. As a matter of fact the changes that have been introduced do not amount to much. There is however one fact on which I must congratulate the Government, namely, that it has acceded to the request of the people that instead of being a permanent measure it should operate for five years only. While I say this I am conscious that there was a certain section of the House which wanted the Bill to be placed permanently on the statute book and the Government did the right thing in accepting to limit it rather than make it a permanent measure. Unfortunately, I may say, and I say without fear of contradiction, that the Bill has not been considered by a certain section of the House on its merits. The shadow of the Shahidganj has always been there and it has really affected the minds of the various members who supported the Bill. For example, one could easily see that a certain section of the House was in favour of the Bill being kept in force for two or three years. They thought, "Here is the menace of the Shahidganj and it should be suppressed somehow or other and therefore we must support the Bill." On the other hand there was another section of the House which thought that if this Bill were in force for two years and the Shahidganj agitation was suppressed then afterwards this sort of Bill might be needed by them to suppress similar movements which might arise on the other side. Naturally therefore the shadow of Shahidganj has been so influencing the minds of honourable members that the particular clauses of the Bill have not been given the due consideration which should have been given to them. Really the Bill as it stands is a very direct attack on the liberty of the subject and it should have been considered, discussed and debated upon purely from that point of view leaving aside the Shahidganj agitation or any other movement of a similar nature. It is most unfortunate therefore that the honourable members who supported the Bill did not take into consideration this important fact and I do want that before the Council gives its final vote and passes this Bill, it should be taken and considered on its own merits. There were three or four reasons given—and I must congratulate the Chief Secretary, Mr. Puckle, for making a very lucid speech which I read more than once to find out whether there was any matter of substance on which the Bill could be supported. No doubt he has addressed his appeal mostly to the honourable member, for Rohtak, Chaudhri Chhotu Ram who wanted some material from the Government for supporting this Bill and was repeating his argument two or three times finding this as

an excuse to give his vote at the last minute in favour of the Bill. That is how I interpret his speech and that is how I interpret the speech made by the Government member who explained to Chaudhri Chhotu Ram certain points. He said that the honourable members who sit on these benches have been silent and so on. The honourable Chaudhri Chhotu Ram should have known that the opposition was led by members sitting on these Benches. However, the main point to be seen is whether anything has been brought out by the Chief Secretary or the Honourable Finance Member for strengthening their arguments that the Bill should be supported. Now we had a very learned and a very interesting discussion regarding what is communism. And the Chief Secretary performed his task with singular clearness and lucidity. But he explained what communism is and so on and so forth. So far as the evidence that communism throughout the province exists as a menace is concerned, you look for it in his speech, in vain. I entirely agree with him that communism regards all individuals as subordinate to the State, that individual is nothing and State is everything. Therefore so far as individual liberty is concerned, communism takes no account of it. There are certain communists who do not believe in the existence of God. He made that point too. Neither God nor individual will be concerned. True; but the question is whether these doctrines can ever find a fruitful soil in the Punjab and whether as a matter of fact there is evidence on record which everybody can see and everybody can know that communism is becoming a menace in the Punjab, and that therefore Government needs these powers to uproot that communism. That evidence the Chief Secretary was unable to supply to the members. Of course he said very plainly, "you cannot know that communism is going on in the province. You are Khan Bahadurs, Rao Bahadurs or Sardar Bahadurs and members belonging to landed classes". Undoubtedly true; but if you have got a few pamphlets in your pocket which a certain section of your Police Department or the Criminal Investigation Department has placed before you, is that sufficient evidence for us to accept that and vote with the Government on this question? That is the main point. It is really an insult to the intelligence of the honourable members who seek election every time that they should be entirely ignorant that such a menace should exist in the Punjab and that they should not know about it. Most of us come to the Council after seeking direct election. We keep touch with the people. We know the people who vote for us. We know the landlords, we know the tenants, we have to know everybody that counts and so far as my experience of three elections goes and my experience of meeting these people goes, I do not see communism prevailing in the Punjab. It is not because people try to hide these things because I am a lawyer or because I am a man with a certain capital or because of something else. That is not the reason. What is the good of an elective assembly if it does not know what is going on in the province and if we ought merely to rely upon the reports of the police which are placed before high officials? We cannot possibly accept their statement as correct. There must be a certain amount of evidence which must carry conviction to the Council but not a single piece of evidence which the learned Chief Secretary placed before us, showed that communism was a direct menace. (*Interruption*). The Chief Secretary said "There is the Victoria Memorial in Calcutta, no doubt, and if a

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person has not seen it, it cannot be stated that the memorial does not exist there." But that argument does not apply, because anybody can go and see that memorial standing in Calcutta. There is the testimony of eye-evidence. Here what are we going to rely on? Have these matters gone to courts? Are there five or ten or 20 persons against whom courts have declared that there is reliable evidence that they are communists? That testimony is not there. And is that movement of such a nature that it is disturbing the peace of the province? All that the Chief Secretary was able to state in his speech was that there are a certain number of pamphlets, five or six or seven, two of which have been proscribed and the remaining are under consideration as to whether they should be proscribed or not. That is the whole evidence on which the Council is asked to give its verdict in favour of a Bill which is a very direct and violent attack on the individual liberty of the subject. I would again request the Chief Secretary to procure evidence of a nature which can be tested, not by the police or the Criminal Investigation Department but tested in a court of law, evidence of the prevalence of this movement which affects the peace of the province. If he can do it, then my vote can go to him; otherwise it cannot go to him. This is what I say even at this eleventh hour. I personally hold and maintain that communism cannot prosper in this province. I have already given my reasons. So long as there are castes communism cannot be there. So long as the principle of individual property is accepted by the people communism cannot come in and communism I must state is really a process educational which can come only by an advance of the people towards a certain type of Government. That type has not come into existence. Democratic principle has not been permitted to have its full play. Then how can communism come in this province? But in England which is a free country and where every individual is permitted to give full expression to his or her opinion, there communism cannot hold its ground. I have listened to the communist lecture in Hyde Park and other places. They are freely permitted to express their views. How can you expect India, a caste ridden country, a property ridden country, a country with most conservative ideas, to accept this gospel of communism? When I said that if you are really serious in stating to the people that communism should be fought, you should have no intercourse with Russia, no reply was forthcoming. They say, that they are only trading with the Russian Government but they are not trading with the Russian people. The reply was something to that effect I do not exactly remember the words. Whatever the difference may be, if you are really serious that communism is a menace, England should cut off its connection with Russia and tell the people of India that they have really regarded communism as a serious menace and therefore they regard the Russian state as one with which they should have nothing to do. That will really have a great weight with us here. But when you embrace Russia with open arms, when you are prepared to trade with that country, this theory of there being communism in this country seems to be merely a cloak to hide what the Government really wants, namely, that the country should not enjoy that freedom, that liberty, which under the new reforms they are bound to enjoy and therefore these fetters and chains are being forged all over the provinces whether there is

Communism or not, on the individual liberty of the subject. It is essential that if democratic government is to flourish, if India is to progress towards responsible government, there must be full freedom of discussion otherwise democratic Government is merely reduced to a farce and any obstacles that are placed in the way of individual expression of opinion really cut at the root of self-Government or responsible Government. It is on that account that I wish to examine this argument very carefully relating to communism which was advanced by the official member in support of this Bill. Therefore my submission is this that neither the speech of the Honourable Finance Member nor the speech of the Chief Secretary has given any indication that communism is a menace in the Punjab for which the Government requires these very extraordinary powers to be placed in their hands. Then, there was a talk of civil disobedience movement. I submit that there is no civil disobedience movement now. That is an admitted fact. Whether you look at the Hindus, Muslims or Sikhs or whether you look at the Congress, or at any other political organisation, so far as the civil disobedience movement is concerned, it does not exist. Therefore to seek emergency powers on the basis of a movement which is non-existent is certainly a thing which I cannot possibly understand. If there is such a movement in the future, the Government can always come to this House and take from them the necessary powers that they need to suppress the civil disobedience movement, and we assure the Honourable Finance Member that the House, as I said in my first speech, would give them these powers if there is a menace to the maintenance of law and order. But there being no civil disobedience movement, you cannot possibly ask the House to give these powers. I said in my speech at the time that the civil disobedience movement which existed in the country some time ago died a natural death. It did not die because of these powers. That I maintain even now. What does the Bill give to the Government? Only that they can arrest a person without any investigation, that there will be no trial so that these ideas may not spread and this is what the civil resisters did give to the Government voluntarily. They courted imprisonment and they sought no trial. They practically gave the Government voluntarily what they are now asking that the Council should give them. If the civil disobedience movement died it died a natural death. It is not a normal movement, people cannot go on for any length of time in that way. Non-co-operation is not the law of life, co-operation is the law of life. We cannot cut ourselves away from one another. Respect for individual liberty and for the laws of the land is a natural thing, but it is an unnatural thing that people should go out and break the laws as they tried to do under the influence of civil disobedience movement for ever. That sort of movement cannot possibly live for more than a few years and it must have, in the very nature of things, a limited existence. It was not due to any law of this kind that the movement died. I maintain that nothing has been said by the Chief Secretary or by the Honourable Finance Member to show that the views that I placed before the House could in any way be challenged on the ground that it was merely on account of this law that the civil disobedience movement died. But my point is there and I ask him to reply to it. There is no civil disobedience movement to-day and therefore there is no emergency for a measure of this kind.

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Merely on the ground that at some future time there is likely to be a civil disobedience movement, you seek to be armed with these powers. That I submit is not a reason for asking the Council to give these powers to the Government.

Then another point raised was about terrorism. Official members have not frankly conceded that terrorism does not exist as a menace in this province. There have been two or three instances. But there was no overt act of any kind. A revolver found on a certain leader or a terrorist coming from another place who was arrested was all that was said as evidence of the terrorist movement. Is this sufficient evidence of terrorism on which you can ask for these powers by which you may be able to take hold of anybody? Make out a case that terrorism is a menace in the Punjab with which you cannot deal under the existing law, and then only we would be justified in granting to you these extraordinary and extravagant powers which you seek from the members at this time. The whole argument was based on two or three instances which I submit are really no instances at all and therefore my submission is this. (*Interruption*). The answer is that this Bill is not needed to-day. If somebody is murdered to-morrow they want power for that eventuality. They ask for these powers for a fanciful reason. A murder may take place or may not take place. What are we going to do at this time? Do you want to be placed in your hands weapons by which you can take hold of any man for whatever reason and without assigning any reason, a dacoit, a criminal or an ordinary man, a man talking of communalism, a man talking about Shahidganj, and detain him for one year? Seven hundred murders take place every year. If one or two murders more take place, I would not mind that at all, but I do regard it as a very serious measure by which you can take up classes of people, people of any kind and you can imprison them and detain them for one year without any trial and without assigning any reason. That is the answer which I give to the argument. If you want to justify by one murder this encroachment on the rights of the people, we cannot be safe in this province or in any other province. Your police, your Criminal Investigation Department are always troubled by all sorts of obnoxious people. They may not be terrorists, civil resisters or communists, and your police is not to account to anybody. The police officer has not to account to any court, he is not going to be examined, his evidence is not going to be placed before any judge and the administrators may say that we are satisfied and the man should be arrested and detained. Unfortunately the law is otherwise. It does not place any value on the information or opinion of those who administer these affairs, and therefore it would be a wrong thing to do what centuries of existing legislation have not done by asking us to pass this extraordinary law. This is my apprehension, this is the apprehension of all those who are seeking a democratic and a responsible sort of Government. The voice of the people on this should prevail as against the voice of a few individuals who are responsible for the maintenance of law and order. Otherwise why have democratic Government? Why not make over the rule of this land to four or five people who would administer all the departments very nicely and the government would not be very expensive either and the whole thing would go on very smoothly.

It would be better to give over the Government of this country to a Mussolini or a Hitler or give all these powers to the Governor. But the new reforms are coming, which were very much advertised at the League of Nations. Do away with all this and the people would be thankful because this would save much expense. But the Government is really sincere in giving to the people a responsible system of Government though with certain limitations and the Governor has been made responsible for the safety of the people and the peace and tranquillity of the province. These things are his special responsibility. These being his special responsibility, there is no necessity for passing a measure of this kind. This is what I said the other day, and I repeat that if there is a provision made in the new Government of India Act of 1935, whereby the peace and tranquillity of the province has been made a special responsibility of the Governor. He is also given special powers and he can issue special Acts for the purpose. He need not come to the Legislative Council and say "well the Punjab is threatened by a serious apprehension of the breach of the peace and tranquillity." He can pass a special Act and that power has been provided for. Why then be nervous about this matter? But the real thing is this. As I submitted before, fortunately or unfortunately there is communalism in this province. It exists, it cannot be denied by anybody. But, as I said then and as I say now, the chief responsibility for this state of affairs does not lie only with the people themselves, but also with the Government. The root cause of the intensification of communal hatred and bitterness is that the Hindus have not to seek the Muslims and ask them for their votes and *vice versa* for election to the Council and the clear result of this is that the communities vie with one another in sending fanatical members to the councils and assemblies. There is no real sympathy for the feelings of one another. Unfortunately in this province there are three strong communities, though the majority community is the strongest. To introduce legislation of this kind is no remedy for communalism because to-morrow if one party comes into power they will try to suppress the leaders of the other parties. And if another party comes into power, they will oppress the others. It would be a terrible state of affairs, and I ask the Government to take this into consideration. This is not a remedy which you are proposing and which will remove the disease of communalism. Communalism can only be rooted out if the communities live in mutual trust of one another and live with good-will towards one another and that can only be done when a man going to elections has to seek the vote of men of other communities, otherwise it is impossible and you may wait till doomsday and this disease will never be removed. Therefore my submission is that no case has been made for passing this Bill and I submit that it is essential for proper Government under the new reforms that no restrictions should be placed on the liberty of expression. If the province is to enjoy good Government it is essential that the province should have no kind of bar or limitation on the free expression of public opinion and if anybody does any wrong, then there must be resort to open enquiry in a court of law. Then it may be said that the Government and other members who supported the Government have been very fair in making an alteration in clause 2, confining its application merely to terrorists and communists. But it has entirely no meaning, when no alteration of this kind has taken place in subsequent clauses. You look at this Bill as it is going to be passed into law. I really wonder

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how those honourable members who proposed that the law should be restricted in its application to terrorists and communists can be happy over the Bill as it has come out now. When we see that in clause 3 there is a total omission of what is aimed at in clause 2, when we find that under clause 3 any person, whether he is a terrorist, communist or communalist or any other person, could be got hold of and detained for twelve months, what does the concession that they have given to public opinion amount to? I submit therefore that there has been really no gain by getting clause 2 limited in its operation to merely terrorists and communists, because clause 3 is very wide.

The chapter with regard to public meetings is again a very serious menace to the liberty of the subject. It is essential that under the new reforms people should hold public meetings, sometimes in their houses, sometimes in other places and no meeting would be safe under this law. Anybody can go and misinform Government and people can be got hold of and sent to particular places to stay there for twelve months without being even told what the charge against them is, what their offence is, without having the advantage of an open and free trial in a free country. The Bill at this stage is therefore not different from the measure as it first came to us, except in only one respect, namely, its permanent character has been taken away and it has been limited to five years. Excepting that, there has been absolutely no gain whatsoever and therefore those members of the House who were very much pleased with the character of the changes made in clause 2 should clearly realise that they have really gained nothing and that the Bill as it stands is as drastic as it was before. Let not honourable members labour under any wrong impression about that.

Taken from all these points of view I regard this Bill as a menace to the liberty of the subject. I regard it as utterly unnecessary and really a very grave obstacle in the path of self-government. I regard it as a measure which will be used as a weapon of oppression and terror under the coming reforms and I regard it as not in the interests of peace and good government. On the other hand this Bill will lead to such abuses and will lead to such movements which the Government would not be able to suppress. After all, you have to think first of the subjects and then of the administrators of the law. You have to think first of those who have been fighting so long for the substance of responsible government, for the substance of liberty and freedom. But what you have given with one hand you have taken away with the other, and you are, by this measure, really placing obstacles in the path of good government. I do appeal to Members of Government that they must take a very broad view of things. I said before and I do say again that this Bill should not be the reward for the loyalty of this province. You must see that the Punjab has always ranged itself on the side of law and order and therefore you must have confidence in the people. For confidence, as they say, begets confidence. Other methods will not avail you. Everyone will say now that you are trying to govern this province by the old Russian methods of government. And even at this last minute, with all the emphasis I can command I do oppose this Bill and I earnestly appeal to Government to withdraw it in their own interests and in the interests of the people.

The Honourable Mr. D. J. Boyd (Finance Member): I would have liked to reserve my remarks to the end. But there is only one thing I am concerned to reply to to-day and that is, the very grave charge of breach of faith brought against the Government by Chaudhri Allah Dad Khan. A charge of that kind we cannot take lightly whether it was lightly made or not. I admit that the honourable member has got hold of something of which I was totally unaware before and that was one word and that word was a slip in the speech of Shaikh Din Muhammad during the debate on this Bill when it was first introduced in this House. That word is "chapter". But the honourable member from Ambala did not give us the whole context which shows very clearly indeed to what Shaikh Din Muhammad was referring. At the bottom of page 515 of Punjab Debates, Volume XXII, Shaikh Din Muhammad, referring to Shaikh Muhammad Sadiq said:

"The only clause to which he objected was the clause which was contained in Chapter II and which laid down that any officer of Government could be authorised by the local Government to arrest any person under the circumstances mentioned and use any means for his arrest."

Khan Bahadur Shaikh Din Muhammad was very clearly referring to one clause and one clause only, clause 2, which is at present section 2 of the Act. He went on in this way for about fifteen or twenty lines talking about that one clause and not about the chapter. And he later said:

"Our critics had strongly protested against such officers being vested with this discretion (that is, the discretion of arrest) and that provision has been consequently modified and it is now laid down that that discretion would vest in the local Government alone. The local Government while issuing general instructions would specify the movement or movements which are intended to be operated against."

Shaikh Muhammad Sadiq then interrupts: "Where is it?". And Khan Bahadur Shaikh Din Muhammad replies:

"It is in the provisions of the Bill. The honourable member for Amritsar asks me to point out where it is. The words are quite clear—"

"Provided that the local Government when authorising any officer by general order under this sub-section, shall specify the circumstances in which the officer so authorised may make or direct such arrest."

Those words occur in section 2 of the Act, clause 2 of the Bill as it then was. They do not occur anywhere else in that chapter. Shaikh Din Muhammad was obviously, clearly, referring to one section only, section 2. He went on:

"The Honourable the Finance Member has always been prepared to give an undertaking to the effect that this chapter would be used against terrorists and anarchists only."

I feel confident that the use of the words "this chapter" was a slip because the whole context refers only to section 2. Then Shaikh Din Muhammad went on:

"And if this provision (not "this chapter") is to be used against terrorists and anarchists only, I fail to understand why any objection is being levelled against the present provision."

None of us knows, none of us remembers, none of us can possibly remember whether Sir Henry Craik was present when these words of Shaikh Din

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Muhammad were uttered ; how can any one be sure that Sir Henry Craik was here in his seat ? (*Interruption*). Din Muhammad would not tell a lie. He does not tell lies and there is not the slightest doubt about it that Shaikh Din Muhammad was speaking in all good faith, but he almost certainly slipped in his language. The whole context both before and after refers to only one clause. I asked the honourable member if he could let me know what Sir Henry Craik himself said. I therefore wish to make it clear, to begin with, that no undertaking of any kind was given to this House. But in his speech before the Bill was referred to a select committee, Sir Henry Craik said—

“I stress the point because clause 2 of this Bill which gives the power to arrest suspected persons is designed to be used mainly, if not entirely against terrorists.”—*Punjab Debates, Volume XXII, page 72.*

This is about clause 2 and there is nothing about clause 3 whatever. Again two pages later, Sir Henry Craik says :—

“There is however, one exception. I am afraid we shall have to continue to use the special powers of arrest in the case of terrorists.”—*ibid, page 75.*

It is as clear as a pikestaff that such undertaking as was given related only to clause 2 of the Bill which is now section 2 of the Act. When I became Finance Member in succession to Sir Henry Craik, within two or three months, section 3 had to be brought into use. At that time I was given to understand through the ordinary Secretariat files that Government had given an undertaking that section 2 would only be used in the case of terrorists and anarchists. That was in 1934. From that date till this afternoon I had not the very slightest doubt upon the subject that any undertaking that was given related only to clause 2 and I am still perfectly satisfied that the undertaking referred to clause 2 only.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban), (*Urdu*) : I am sorry to express my inability to support this Bill in its amended form. Although some changes have been introduced in it, such as instead of being a measure of permanent application it will remain in force only for five years, still I cannot see my way to support it. If you cut off a leg of an animal which is dangerous for human life does it mean that this amputation will make it harmless ? All the speakers who have made speeches in its favour have referred to the Shahidganj affair as an instance in which the situation was saved by the presence of this Act on the statute book. The Act would have been beneficial if in its presence the situation had not arisen at all. This Act only afforded an opportunity to the Government to save the situation by themselves shedding blood. Even if this act had not been on the statute book the Government would have succeeded in controlling the situation. The Government have got other means in addition to this to control such situations. Such laws instead of benefiting the public serve to crush them. I will request the honourable Sikh members that they should not support this measure because if to-day it has been applied against the Muslims in the Shahidganj affair it is quite possible that it may be applied against them at some future time in the event of some similar occurrence. We should not regard human beings as inferior in importance to brick and mortar. We should on the other hand respect human life and desist from helping the passage of such measures as the one

now under consideration. The Honourable Finance Member gave four reasons for the necessity of placing this law on the statute book. He referred to the possibility of the revival of terrorism, or communalism or civil disobedience movement or the movement for the non payment of taxes. At present not one of these movements exists in any part of the country and as such it is unnecessary to pass this Bill. Mr. Nanak Chand Pandit has sufficiently dealt with the question of the revival of any of these movements. I need not dwell upon this point at length. I remember the fable of the tiger and the shepherd boy. A shepherd boy once was thinking to himself whether in the case of appearance of a tiger any one would respond to his cries or not. After some time it occurred to him to cry aloud to find out actually whether anybody responded to his cries or not. He cried aloud and people came running to him from all directions. By this response he was satisfied. But after some time a tiger actually appeared. He raised a hue and cry. But no one turned up. All the people in the neighbourhood thought that the shepherded boy was again trying to cut a practical joke at them. The tiger killed the boy and also killed many sheep. The same fable is true in the case of the Government, for, now when there is no danger it is trying to pass a measure which is quite unnecessary. No cases of terrorism or civil disobedience will occur in the future, as I am sure, to justify the application of this law. The people will get the idea that the Government is in the habit of framing unnecessary laws and then when actually some serious situation arises and Government seriously stands in need of some similar law no one would support it to pass that law. All will think that Government is in the habit of framing laws to apply them to some future imaginary dangers and that in reality it does not require any such law. No one will support it and the danger will involve it into difficulties. Then again, the Congress is thinking of entering the assemblies. Perhaps it may also decide in favour of accepting offices. If it made that decision, I am sure, then there would be absolutely no need for this law. A few members are favourably disposed towards this Bill and they are mostly those who are in favour of the Debtors Protection Bill. These honourable members are the favourite children of the Government. They can afford to do whatever they like. But it is the duty of the Government to see whether there is any justification for any such laws. It should see that laws which are detrimental for the public should not be passed. Mr. Nanak Chand Pandit had advised the Government to have confidence in the good sense of the members for if any situation demanding any such law arose they will certainly strengthen the hands of the Government with that law. I repeat his words and request Government to have confidence in the honourable members. The members of the Council will always support the Government in all good and honourable things. The members of the Council will always be there to meet the wishes of the Government whenever the latter require some new law to meet some new situation. This law is neither useful for ourselves nor for the Government. It will remain a dead letter for no situation requiring its application will ever arise. As such I request the Honourable Finance Member to withdraw this unnecessary Bill.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I rise to oppose this Bill because it is harmful for both the Government and the people. A measure which will help neither the king

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nor his subjects should not be passed. If we look at the past history of our own country or for that matter any other country, we find that whenever any king passed cruel and oppressive laws, nature brought him to grief. For instance, look at the Czar of Russia. Whenever his subjects started any agitation, they were severely taken to task, and were sometimes trampled under horses. His armies paraded the streets at night. When he was fast asleep, nobody was allowed to make any noise. If in any village even a frog croaked, the village was destroyed. But at last the tyrant king was severely punished for his tyranny and the wretched Queen and princesses of the royal house worked in the theatres for their livelihood and passed their days in great misery. Whenever any king tried to oppress his people and tyrannized over them, he met with similar fate.

It is a hundred years since the English came into this country. Before that time India was ruled by the Muslims. The Mughals ruled here for 700 years. But when they began to make cruel laws, their rule came to an end and they were deprived of their kingdom. After them came the Sikhs but their rule vanished like a dream. Because they ruled also with oppressive laws. Therefore, if the present government also wants to bring its rule to an end, it may by all means pass such laws. This Bill also foreshadows such a state of things.

This law is the essence of high-handedness. It can arrest anybody and the accused will not be asked whether he has committed any offence or not. There are such provisions in the Bill that it becomes entirely worthless and those people who will get more power by this Bill are hopeless officers. They take shelter behind the provisions of a Bill and accept bribes from the people. With the help of such laws they take revenge on people on account of personal enmity and disgrace them. This is the only object of such measures. The officers of the government derive undue advantage from such laws. It is not proper for government to enact laws which may help the officers to take bribe, to take revenge on people, and to disgrace them. If I am to quote instances to show how the officers tease people and extort money from them, I think you, Mr. President, will not allow me to do so. At the time of the next budget session, I will show how these officers tease people and how they try to devour them. I would, however, advise the Government that it should refrain from passing such measures. The case of our government is just like a patient who is dying of pneumonia. His whole body is numb with cold and the doctor advises him that he should not take any cold water. My advice, too, may appear at this time like cold water, but in the long run it will prove extremely helpful and useful. This measure will be harmful for us because we are already slaves. When this law is passed we shall become worse than slaves. The Bill is meant to strengthen the chains of slavery. Government, by their words try to show that they are ready to give self-Government, but by their actions they are binding us to slavery.

In the palmy days of Islam there were also slaves, and some men were made slaves by the kings. But the Muslim kings treated them equally, took meals with them and made no distinction between man and man. This law like a magician can arrest any man wherever it likes, and can

ruin his property. If these laws are used for agitators, there is no harm. But if any officer gets angry with anybody, he will be ruined. The object of any law is that the criminals should be punished and innocent people saved. But according to the provisions of this law it will not be easy to distinguish between a criminal and an innocent person, because no proof or evidence will be needed. Both of them will be easily punished and nobody will be able to bring forward any proof or evidence to show his innocence. Sir Henry Craik as Finance Member acknowledged that bribery was so rife in the various departments of Government that it was not possible to check it. Now they will get more power and they will naturally take more bribes. We are looked down upon in other countries because of our slavery. In England and America people refuse to shake hands with us, saying that we are slaves. If they come to know that in this country such laws are made, they will hate us all the more and will not let us even enter their country, lest we spoil their free atmosphere also. A law of this kind is highly degrading. I know that since the Government is bent upon getting this measure passed, it will be passed.

I am extremely pained to mention that when votes were taken on the motion relating to the Shahidganj mosque some Muslim members voted against it. But so far as this Bill is concerned, it will be passed even if the House does not pass it. I will, however, advise the Government to withdraw it. At the last session when this Bill was brought forward for discussion before this House, many parties opposed it, but on this occasion those parties are now with the Government because the Government has helped the Sikhs and the Hindus in connection with the Shahidganj affair. This amply shows how our mentality has been polluted. In this way they have killed our spirit and religious freedom. But another difficulty is that those officers who are strengthened with such laws do not use them properly. For instance, the Shahidganj mosque has been in possession of the Muslims for the last 150 years but during the Shahidganj agitation, this law helped the Sikhs and deprived the Muslims of their property. Moreover, in the face of this Bill the Muslims were fired upon and killed but the Sikhs jathas were neither killed nor fired upon. This law thus observed an invidious distinction. In the case of the Shahidganj agitation this law protected the Sikhs but did not afford any shelter to the Muslims. Therefore, I submit that this law is not properly used. In the presence of this law the Muslims have suffered a great deal. The Shahidganj agitation is a just and legitimate agitation. This law should not be applied to that case. In the Indian Penal Code there are sufficient provisions to deal with offenders according to which they can produce witnesses and offer defence. The Government's anxiety to pass this Bill reminds me of a story. Once a man was to be hanged. The noose was very small for him, as he was very fat he could not be hanged. It was therefore ordered that any man whom the noose fits may be hanged. It is not proper that laws should be passed by which innocent people should be punished along with the guilty.

I would suggest another method to Government by which it can stop agitations in this country. The people of India are poverty stricken and they find it very difficult to keep body and soul together. If Government will make some arrangement for their food and enable them to earn their

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livelihood, there will be no movements in this country. Whereas a labourer

4 P.M. earns one pound or ten rupees in England the one in India hardly earns more than six pice; so our people

are discontented. Therefore they fall an easy prey to the persuasions of those people who want for one reason or another, to continue agitations. I think the agitations are governed by one single rule, the more the hunger in a country the greater the number of agitations there. If there were no hunger in this unhappy country the Government would have no occasion to frame such rigid and harmful laws which bring only dishonour to the Government. We all know that this measure met with strenuous opposition in the Assembly which rejected it. But in this Council the circumstances are different; here there are people who would support any reasonable or unreasonable demand of the Government. So, in this Council the Bill may have an easy passage. But the Government should try to understand that no other country of the world has enacted such laws. You will not come across such laws even in England. But the Government is adamant to thrust this measure on us. With these words, I strongly oppose this Bill.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I did not think that there would be any necessity for discussing this question at such great length at this stage. We had sufficiently heard the arguments on both sides, both for the Bill and against it when we were considering the motion to take the Bill into consideration at once. We spent no less than three days in discussing this question. But in spite of your repeated rulings, Sir, arguments have been repeated on the floor of the House again to-day. I do not know how often the same arguments are going to be repeated and how often the same grounds are going to be covered over again. After all, there should be some limit to this, taking into consideration the value of the time of the House and the new agenda which we have got to go through during these two or three days. We should at least not repeat the arguments which have already been replied to.

There was one argument of Mr. Nanak Chand to-day which he did not advance the other day. He said that things should be allowed to die their natural death. That is an argument which if applied to other things cannot hold water for a single minute. It is impossible for us to wait till things die their natural death. Events do take place sometimes which require our immediate attention, which require us to seek certain remedies for certain diseases. When a man is suffering from a very severe disease, if that disease is to be allowed to die its natural death, surely the man will die sooner than the disease. Just as a disease unless it is checked will grow dangerous to human body, in the same way unless we place this measure on the statute book the present state of things may so develop and get so dangerous that it will destroy the peace and tranquillity of the province. Another point he urged was that we should bow to the voice of the people. He should remember that this Bill is being passed by this House in the ordinary way of legislation not only by the votes of the executive Government, alone, but by the votes of others who are representative of the masses no less than the honourable member for Hoshiarpur himself is. Therefore his argument that the voice of the people does not approve of this measure cannot stand. Another point that he urged was that he felt very much anxious about the Governor of the future constitution and the reserved powers of the Governor. In this

respect I may say to him, " Let the Governor take care of himself. We need not interfere with the intricate question of responsibility of the Governor in the future constitution. Those people who will be placed at the head of the administration will be sufficiently experienced to cope with any situation which may arise in due course." The next point that he referred to was communalism. It is badly raging throughout the length and breadth of the province. He himself admitted it; but if he now says that communalism does not exist, the very recent debate which we had the other day on Shahidganj must show to what extent we are committed to the various communities to which we belong.

As long as this state of affairs continues, there must be some check placed in the hands of the Government if it is to carry on at all. Whatever the form of Government may be there must be some sort of legislation to rule the people. Even rules are required to govern society in its very infancy. Some sort of Government is required and no Government can go on unless it is armed with sufficient weapons to meet with any normal or abnormal circumstances. He said that we should not fetter in any way the future Government by placing this Act on our statute book. I would submit that we would be rather strengthening the future Government by putting this piece of legislation on our statute book. As I said the other day, when we are placing greater responsibilities on the shoulders of our Ministers, we must give them greater power to sustain that burden. Unless they are sufficiently armed with weapons, it is impossible for them to carry on the Government in the new constitution. The very fact that we pass a law like this is a sure proof of the fact that our future Government cannot go on unless they have sufficient powers to meet the situation.

Another thing which he said was that the Bill so far as it related to the law of meetings has been passed in the same form as it originally was at the time of the consideration. He forgets that section 2 at least in four different respects has been improved upon to meet his requirements. Originally, it was " any gazetted officer " who could arrest; now in all cases it is the Local Government which is to move first and then the ball is set rolling. Nobody on his own initiative, however, highly placed he may be, is given the power under the section as it now stands to arrest or take into custody any other man. Another thing and it is a very great improvement, is that the section is now only confined to two sorts of people, terrorists and communists. These are the words and none else will be proceeded against under this section, whereas previously anybody could be put under arrest. Another thing which goes a long way in the direction of improvement made in this Bill is that whereas under the old section anybody could have arrested anybody he liked, under the new section it is only the gazetted officer of the Government specially empowered under the Act who can arrest and keep a man in custody. Thus the Bill has been sufficiently toned down. Again the Bill had effect for all times, but now it is to be in force for only five years. Taking into consideration all these improvements I have proved that the Bill is more acceptable in its present form than it was before. One more argument was the one advanced by Chaudhri Muhammad Abdul Rahman Khan. He said that unemployment is existing in the country and he urged very seriously therefore that we should find a remedy for it. That is an argument which supports the passing of this measure. Those people who cannot make two

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ends meet and those who are not working for their daily bread and butter can do any desparate act and commit any sort of crime at any time. The more hungry and the more needy the people are, the more apt they are to commit crimes like robbery, dacoity, etc. Therefore the very fact that such a state of affairs exists justifies the Bill in the form in which it is to-day before us and it must be passed. With these words I support the motion.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadan, Rural) (*Urdu*): We have had sufficient discussion on this Bill; I do not, therefore, propose to deliver a lengthy speech at this stage. I have, however, to draw the attention of the House to one point and that is this. The Government has given, as it were, a free licence to corruption by proposing this Bill. I cannot understand the attitude of the Government. On the one hand it is seen advocating the policy of uprooting corruption in the services and on the other hand it is anxious to pass laws which will certainly loosen the flood-gates of corruption. In one of the sections of the proposed Bill it is contemplated to enact that if a Government officer honestly believes that a person is about to act in a manner prejudicial to the public safety he (*i.e.* Government officer) will be in a position to take any action against him which he may at that time think advisable. And no action will be taken against that official even if he may have acted against the law if it is proved that he was acting with the best of intentions. Now, the condition that the person in question may be acting with the best of intentions in order to escape an action against him is a mere pretext. This condition has been put in the section in order to give a pleasant shape to an otherwise abominable piece of legislation. (*The Honourable Nawab Muzaffar Khan*: Question.) We all know that police officials are corrupt to the core and that in spite of the fact that the Government has time and again given sufficient assurances that if corruption charges against a police official come out to be true he will be severely dealt with. But the Government has given as it were a written permission to the police and other officials now that they will be able to continue in their corrupt practices with impunity. This is really deplorable. The Government has, I should say, put in the condition of good intention on the part of the Government officials, in order to escape the criticism which it knew would be levelled against the provision. We all know that if a person wants to indulge in some evil practice he demonstrates some salutary aspect of it also. So, the Government has put in the condition of a good intention in order to cover the other ugly features of the provision.

Of all the legislations so far passed by the Council, this Bill is unique in this respect that it gives unrestricted licence to the police which is already notorious for its highhandedness and which alone, in my opinion, is responsible for bringing a bad name to the Government. This Bill which is apparently intended to protect the life, honour and property of the public, will in actual practice prove an engine of oppression in the hands of these police officers who are accustomed to misusing their powers. We see every day these police officers acting in a very obnoxious way and we know that in a large number of cases they arrest innocent people and put them to so much inconvenience and trouble. I fear, therefore, that the police officers and particularly officers of the lower ranks will harass the public when armed with

these powers which this Bill, and particularly this section in the Bill, gives them. I have, therefore, no choice left but to oppose this Bill.

Mr. President : The question is—

That the Punjab Criminal Law (Amendment) Bill be passed.

The Council divided : Ayes 47, Noes 15—

AYES.

Abdul Aziz, Khan Bahadur Mian.	Macfarlane, Mr. D.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Mamraj Singh Chohan, Kanwar.
Anderson, Mr. J. D.	Mayadas, Mr. E.
Arjan Singh, Sardar.	Mohindar Singh, Sardar.
Askwith, Mr. A. V.	Muhammad Amin Khan, Khan Bahadur Malik.
Bansi Lal, Chaudhri.	Muhammad Hasan, Khan Sahib Makhdum Shaikh.
Bourne, Mr. F. C.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Boyd, The Honourable Mr. D. J.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Bradford, Mr. B. H.	Muzaffar Khan, Khan Bahadur Captain Malik.
Dobson, Mr. B. H.	Muzaffar Khan, The Honourable Nawab.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Narendra Nath, Diwan Bahadur Raja.
Fazl Ilahi, Khan Sahib Shaikh.	Nathwa Singh, Chaudhri.
Firoz Khan Noon, The Honourable Malik Sir.	Nur Khan, Khan Sahib Risaldar Bahadur.
Ghani, Mr. M. A.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honourable Dr. Sir.	Parkinson, Mr. J. E.
Gopal Das, Rai Sahib Lala.	Rahman, Khan Bahadur Dr. K. A.
Grindal, Mr. A. D.	Ramji Das, Lala.
Gurbachan Singh, Sardar Sahib Sardar.	Riasat Ali, Khan Sahib Chaudhri.
Haibat Khan Daha, Khan.	Roberts, Professor W.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Shah Nawaz Khan, Nawab Khan.
Jaswant Singh, Guru.	Sheo Narain Singh, Sardar Bahadur Sardar.
Jogendra Singh, The Honourable Sardar Sir.	Ujjal Singh, Sardar Sahib Sardar.
Jyoti Prasad, Lala.	
Kesar Singh, Rai Sahib Chaudhri.	
Labb Chand Mehra, Rai Sahib Lala.	

NOES.

Abdul Ghani, Shaikh.	Mazhar Ali Azhar, Maulvi.
Afzal Haq, Chaudhri.	Muhammad Abdul Rahman Khan, Chaudhri.
Akbar Ali, Pir.	Muhammad Eusoof, Khwaja.
Allah Dad Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Asadullah Khan, Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Chetan Anand, Lala.	Pandit, Mr. Nanak Chand.
Labb Singh, Mr.	Ram Sarup, Chaudhri.
Lekhwati Jain, Shrimati.	

THE PUNJAB STATE AID TO INDUSTRIES BILL.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I beg to present the report of the select committee on the Punjab State Aid to Industries Bill and to move—

That the Punjab State Aid to Industries Bill as reported by the select committee be taken into consideration.

In moving this motion I do not consider it necessary to make any speech at all. I have been very lucky this time that this Bill has been welcomed in all parts of the House and, if I am not mistaken, this is perhaps the only Bill in considering which all the members of the select committee were unanimous. Out of 15 members who sat to consider this Bill, there is not one who has appended a note of dissent. I therefore think that it will not be necessary for the honourable members of this House to make long speeches over this Bill and that they will all realize that sooner they pass this into law, the better it would be for their province. With these words I commend this Bill to the House.

Mr. President: The question is—

That the Punjab State Aid to Industries Bill as reported by the select committee be taken into consideration.

The motion was carried.

Mr. President: The Council will now proceed to consider the Bill clause by clause.

Clause 1, sub-clause (2).

Mr. President: Question is—

That sub-clause (2) of clause 1 stand part of the Bill.

The motion was carried.

Clause 1, sub-clause (3).

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.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhamadan, Rural): I move—

That in clause 3, sub-clause (1) (c) the words "and two Muslims" be added after the words "expert" in the last line.

It is stated that there will be "4 members to be appointed by the Local Government one of whom shall be a banking expert," I want that after these words "2 Muslims" be added. Under this section the constitution of the board can be such as almost to eliminate Muslims, for instance, the

Minister belongs to the Hindu community and so does the Director of Industries. In order to keep up a communal proportion there ought to be at least two Muslims on the board. As Muslims are very backward industrially, it is better to have their representatives in the board who can safeguard their interests and for this purpose two of them must be Muslims. With these words I move my amendment.

Mr. President : The question is—

That in clause 3, sub-clause (1) (c) the words "and two muslims" be added after the word "expert" in the last line.

The motion was lost.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhammadan, Rural) : I beg to move—

That in clause 3, sub-clause (1) (d), line 6, for the words "proportional representation" the words "representation in communal proportion" be substituted.

The words in the existing clause do not convey what proportion the Muslims are to form. I want these words to be added.

Mr. President : If the honourable member reads the clause after substituting the words proposed by him, he will find that it shall become meaningless. It would read—

Five members to be elected by the Punjab Legislative Council from among non-official members of the Council, election being in accordance with the principle of representation in communal proportion and by means of the single transferable vote.

Can representation in communal proportion be held or carried on by a single transferable vote?

Chaudhri Allah Dad Khan : That is the method of election.

Mr. President : I disallow the amendment.

Mr. M. A. Ghani (Non-official, nominated) : I beg to move—

That in clause 3, sub-clause (1) the following be substituted for (e), (f) and (g) :—

- (e) Two members representing agricultural interests to be elected in such manner as the local Government may prescribe by rules made in this behalf ;
- (f) Two members representing industrial interests to be elected in such manner as the local Government may prescribe by rules made in this behalf ;
- (g) Two members representing labour to be elected in such manner as the local Government may prescribe by rules made in this behalf.

This amendment relates to the constitution of the board under this Act. In the original clauses (e), (f) and (g) it is stated that one member may be elected by the Northern India Chamber of Commerce and one member by the Indian Chamber of Commerce. My amendment is that instead of leaving the matter of electing the representatives of industrialists to these chambers, the local Government should prescribe rules by which the representatives of industrialists may be elected and then I want that agricultural interests should also be represented on this board. The Punjab is an agricultural province and there is no reason why the agricultural interests should not be represented.

Diwan Bahadur Raja Narendra Nath : Is there any province which is not agriculturist ?

Mr. M. A. Ghani: I would like in every province agricultural interests to be represented. (*Hear. hear.*)

Then, finally, I want that labour should also be represented on this board. On this point, I would take a little bit of the time of the House to impress on the honourable members why labour should also be represented on this board. I understand, that, in the select committee, a proposal was made to this effect and the Honourable Minister was prepared to accept the proposal but the Legal Remembrancer objected to the proposal on the ground best known to him. I would draw the attention of the House to what the Whitely Commission, on page 462 of their Report said on this subject:—

Dealing first with the latter aspect of the question, we would observe that there are several directions in which the adequate representation of labour should benefit both itself and the community. In the first place, the presence of representatives able to voice the desires and aspirations of labour and to translate these into concrete proposals is essential for the proper consideration of measures specially affecting labour. But the welfare of labour does not depend purely on what may be called labour measures; its good depends on the whole trend of policy and legislation.

The Report goes on:—

More adequate representation of labour is necessary for its protection in this respect and, if given the opportunity, organised labour can make a valuable contribution to the wise Government of the Commonwealth. Further, the proper representation of labour is itself educative; the recognition of its claims as a part of the body politic will bring increased responsibility and a sense of unity with the community as a whole. Conversely, exclusion of labour from a fair share in the councils of the nation will inevitably drive it to rely unduly on other means of making itself felt, with injury to itself and to the nation. What we have stated is applicable to labourer generally both agricultural and industrial and those who have to deal with the representation of labour in detail will no doubt have regard to the whole field.

The Royal Commission on Labour was dealing here with the question of the representation of labour in the legislatures. But they have in so many words laid down that in other spheres also the representation of labour is good both for the Government and for the community as a whole. I would therefore submit that it is very essential that on this industrial board at least two members of labour should be secured.

As I said when this Bill was first moved by the Honourable Minister, there are several factory-owners in this province who do not pay any regard to the interests of their workers. There is no doubt that there is a Factory Act and there are rules made under it. But the factory-owners somehow try to evade the law and the rules. If there is proper representation of labour on this board, the presence of the labour representatives would in itself have a healthy check on this sort of factory-owners. This will, in itself, make them to some extent, treat their workers in accordance with human dictates of justice and equity.

If this amendment is carried then all the interests in this province would be represented, two for agriculture, two for industry and two for labour, and this is only fair and just. I hope that the amendment will commend itself to all parts of the House and that it will be carried. With these words, I move my amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 3, sub-clause (1) the following be substituted for (e), (f) and (g)—

- (e) Two members representing agricultural interests to be elected in such manner as the local Government may prescribe by rules made in this behalf ;
- (f) Two members representing industrial interests to be elected in such manner as the local Government may prescribe by rules made in this behalf ;
- (g) Two members representing labour to be elected in such manner as the local Government may prescribe by rules made in this behalf.

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce) : The object of the mover of the amendment is that labour should be properly represented on the board. To that I can have no objection. But I should seriously object to the remark which the honourable member made that in this province owners of factories did not take so much care of their labour as they should do. Perhaps I might remind the honourable member that no country in the world has accepted so many conventions adopted by the International Labour Conference as India has done, and it is well known that in the matter of the amelioration of the condition of labour this province has done much.

As regards the proposal for the representation of industry on the board, the Government has rightly decided that one member should be nominated from the Punjab Chamber of Commerce, one member from the Northern India Chamber of Commerce and one from the Indian Chamber of Commerce. The underlying object is admittedly that organized industrial interests should be represented on this board. And there is no doubt that if there is any organized body representing industrial interests in this province it is the Punjab Chamber of Commerce and the Northern India Chamber of Commerce. I therefore object to the amendment moved by the honourable member nominated to represent labour.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders General) : I think the honourable mover of the amendment has not carefully read clause 15 of the Bill in which the duties of the board are specified. I do not understand how in reporting on an application for State aid agricultural or labour interests differ from those of the applicants or from those of capitalists. The second sub-clause provides that the duties of the board is also to advise the local Government on any matter that may be referred to it. If such matters relate to questions connected with labour, Government is naturally expected to consult labour unions. But if a matter has nothing to do with labour, then, the body to be consulted is the board and I do not see how it is possible to discriminate between labour and agricultural or industrial interests in matters which will come up before the board. I therefore think that the honourable mover is unnecessarily imagining a conflict of interest which does not exist. I oppose the amendment because it is absolutely unnecessary.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I am a little surprised by the remarks which have

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been made by Diwan Bahadur Raja Narendra Nath. He served, I think, for over thirty years under Government in very responsible positions and his duties as an officer of Government must have brought him into close contact with agricultural interests and agricultural classes. He has been serving with great distinction in this House for the last fifteen years and it is really nothing short of surprise that he should have the hardihood to say that there is no conflict of interest between labour and capital, that there is no conflict of interest at any stage. (*Diwan Bahadur Raja Narendra Nath* : In matters coming before the board). No list of the matters which are likely to come up before the board has been placed before the House and even in the absence of such a list it can be easily imagined that there is and there is likely to be a conflict of interest between industrialists and labour. There may be occasions when there is likely to be a conflict between agricultural and industrial interests. In all programmes of industrial expansion there are bound to be two sides. Labour has a direct interest in the expansion of industry and industrialists have also a direct interest in it. But there are frequent disputes as to mutual relations which should exist between labour and capital, between factory-owners and workers. So that not only on one point but on a number of points the conflict of interests is bound to arise. And it is only in the fitness of things that representation should be granted to labour.

With regard to the representation of agricultural interests also I have to suggest one or two things. Agricultural interests require to be represented because in all expansion of industries one thing should be borne in mind. If possible and whenever possible, attempts should be made to inter-connect industries which are to be state aided with agriculture. If agricultural interests are not represented on this board then it is just possible that the interests of agriculture may be entirely ignored and only such industries may receive State aid as have either nothing to do with agriculture or have very little to do with it. What I wish to secure is that in all forms of State aid given to industries and in the types of industries which are selected for State aid this factor should be borne in mind. Along with other provinces in India the Punjab is an agricultural province and is presumably more agricultural than almost any other province of this country. Therefore it is obviously necessary that agricultural interest should be adequately represented on this board.

Another ground which makes me press this amendment upon the attention of the House is that under the present scheme of taxation provincial revenues are drawn mostly from the pockets of the land-owning classes and they have a very deep interest, a very deep and abiding interest in seeing, that provincial revenues are not frittered away on the expansion of industries which are in no way beneficial to agriculture or which are likely to result in failure or which are of doubtful utility.

A third reason which I wish to urge is that industrial representation should not be confined to these three bodies. After all who knows how many more organized industrial associations may grow up in the province during the course of five or ten years? Why should these three bodies alone be selected for electing the industrial

representatives to this board? Again, some of these organizations may disappear. They may amalgamate. Therefore it would be, I think, unwise to confine the right of election to these three chambers alone. On these grounds, Sir, I urge that the amendment proposed by Mr. Ghani should be accepted.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I sympathise with the motives which have prompted this amendment, but I venture to submit that this amendment is absolutely uncalled for. There is no necessity for it, and I shall explain it in a couple of minutes. I think that the apprehensions entertained by some of the members that agricultural interests or interests of labour may not be adequately represented on this board are entirely unfounded. We are on the threshold of a new constitution and every one knows that under the new constitution the number of members of this Council would be 175, out of whom there would be about 160 representatives of agriculture. Even the present constitution of the Council would show that there is not only a sufficient representation of agricultural interests but there is overwhelming representation of agricultural interests. The number of members of the new Assembly is going to be more than double but even if the urban people are to be supposed to be non-agriculturists and not very sympathetic towards agriculture, the urban representation is not going to be even one tenth of the total strength of the Assembly. If I am not mistaken—I speak subject to correction—there will be not more than 15 members from urban area, in the new Assembly. So that the number of members who represent agricultural interests would be round about 160, and even if we deduct some seats which may be captured by urban people in the rural areas, the number of representatives of agriculture in the new Assembly would still be overwhelmingly large. If you look at the constitution of this board you will find that although expressly no mention has been made of the representatives of agriculture or of labour, there are provisions in clause 3 which amply provide for the nomination, selection and election of representatives of agriculture and also of labour.

The first member of this board will of course be the Minister in charge. It is not necessary that the Minister in charge of industries should be urban. It is very likely or at least as likely as not that the Minister in charge of industries in future would be a representative of agriculturists. Then so far as the Director of Industries is concerned, he may or may not be a representative of the agriculturists. It is very likely that he will be. As regards the provision under sub-clause (c), and this is very important and I draw the particular attention of the honourable members to it, these four members are to be appointed by the local Government, one of whom shall be a banking expert. This leaves room for three other members to be appointed by the local Government and these three members may be all agriculturists or labour men. If you are just fair and can take a dispassionate view, of the Government that is going to come into existence in this province or even of the Government which is now in existence you cannot but agree with me that far from being anti-zamindar or anti-agriculturist or indifferent to agriculturists or to agricultural interests, it will be, as it is, pre-eminently pro-zamindar. (*An honourable member* : Question.) There is

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hardly an occasion when the Government has not gone out of its way to show sympathy to the zamindars, study their interests and come to their rescue whenever any difficulty or hardship has arisen. (*An honourable member*: Question). But leaving the present Government aside which is only like the candle that is burning towards the end of the night, the new Government is, as I pointed out, going to be entirely an agricultural government with a sprinkling of non-agricultural interests. I am referring to this because the Government will have the power of nominating four members of this Board, and there is no reason to suppose that the Government that is either in existence at present or is going to come into existence in future will not study the interests of the agricultural communities.

Then we have five members to be elected by this Council or by the new Assembly. Can you suppose that out of those five members who are to be elected by 175 members out of whom round about 160 would be representatives of agriculture, sufficient representation will not be given to agriculturists? I think it is shutting one's eyes to very glaring facts, if one is to suppose for a moment that out of 160 members adequate representation, more than adequate representation, will not be given to the representatives of agriculture. In fact, I expect that all the five members might be representatives of agriculture, if one is to judge from the complexion of voters who are going to select them. That leaves only three members who will not be under the control of agriculturists. That is the numbers referred to in (e), (f) and (g). Out of these three, I think $1\frac{1}{2}$ members may be Hindu non-agriculturists and $1\frac{1}{2}$ may be Europeans. That is, one will probably be always a Hindu and out of the other two one may be a European and one may be a trader whether he is a Hindu or a European. Even here I am not absolutely sure that it will always be a Hindu non-agriculturist or a Muslim non-agriculturist who would be returned. There is no reason why these chambers, as trade and commerce progresses among zamindars, should not return a zamindar himself. Here is my honourable friend, Sardar Habib Ullah Khan. He is a zamindar of zamindars and you cannot say that he is not a true representative of the zamindars, and yet, if I am not mistaken he is the Vice-Chairman of the Indian Chamber of Commerce. There is no reason to suppose that in the board that is to be constituted there will be an undue proportion of non-agriculturists, or people who are opposed to agriculture or labour interests. In fact I am convinced of this as one can be convinced of anything that this board will be pre-eminently a representative of agriculturists and there will be more agriculturist members on this board than non-agriculturists.

I do not subscribe to the proposition advanced by the mover of this motion that in this province or in the United Provinces—at least I can speak of these two provinces—the interests of labour are neglected. I think it is more or less a slur and an uncalled for and undeserved slur on the factory owners in this province that they are oblivious of the interests of the labourers. It is in their own interest that those who work in their factories should keep excellent health; it is in their own interest that they should be well-fed; it is in their own interest that they should be well housed; and it is in their own interest that medical aid should be given to them when there is illness amongst them, so that they may be absolutely fit and well equipped for the

hard work that they have to do in the factories. It will be suicidal for any factory to disregard the comforts and the interests of the labourers who work in those factories, and I am compelled to say that the mover of this motion is really not conversant with the state of affairs in those factories, otherwise I am sure he would not have made the remarks that he has made.

There are labour laws in the country which govern the relations between the factory owners and the labourers, and every day more and more attention is being paid to these labour laws and the lot of labourers is being improved from day to day. Only recently the Factories Act has been amended and very salutary amendments have been introduced into it. So that there is absolutely no apprehension, reasonable apprehension, that the interests of labour would be ignored or the interests of the agriculturists would be ignored. I would appeal to the honourable members opposite not to introduce any sort of class distinction in this measure. It is a measure which is intended to benefit all, and in fact my regret is that I was not successful in placing it earlier before you and now that it has been placed before you, let it be as clean as possible, without any inter-mixture either of communal or class poison, because I believe in my heart of hearts that so far as this Bill is concerned there is no intention of ignoring the claims or rights or the interests of any community or any class whatever. If you glance at the nature of the work that this board will be called upon to do, you will be convinced that it is not people who will be mere ploughmen given to agriculture alone who will be able to give advice to Government which might be of any use to it.

Reference was made to clause 15. Therein you will find that the functions of the board will be to report to the local Government after such enquiry, if any, as it deems necessary or may be required by this Act, on applications for State aid that may be referred to it for advice by the local Government, and to advise the local Government on any matters that may be referred to it. To give sound advice it is necessary that there should be men chosen not because they belong to this caste or that caste, or to this community or that community, but men whether they are agriculturists or non-agriculturists who can be expected to give the best advice to Government, so that the money which rightly belongs to the people should be properly utilised and not in any way wasted.

The honourable member for Rohtak has given two or three reasons in support of this motion. One thing that he pointed out was that there is no list of matters that may come up before the board. I have read out the clause before the House, in which reference is made to the kind of matters which would be placed before the board. That is a sufficient indication to show that in order to give valuable advice on such matters, it is necessary that people not only living on land or understanding land questions, but those who understand industrial and commercial questions also, should be placed on this board. Otherwise the board will not be worth anything. Then again, he said that land revenue comes mostly from the zamindars, and therefore it is necessary that special representation should be given for that class. Here I am reminded of the poet's words —

جس نے اس کو کھڑا کیا ہے اس کا

[Hon. Dr. Sir Gokul Chand Narang.]

It is not every kind of work, every kind of business, that every kind of man can understand or make a success of. Therefore, it is not as a kind of *quid pro quo* for the land revenue that you pay to Government that you should ask for special representation on the board. I have already pointed out that there is absolutely no apprehension that the representation of agriculturists on this board will not be adequate.

Another point that the Chaudhri Sahib suggested was that there was no guarantee that these chambers would continue intact. They may amalgamate and create a confusion or they may go out of existence or some new ones may come into existence. That does not matter. If any of these things happens Government has the power to equalise and to make up the deficiency of any interest which cannot be adequately represented on this board, if any such circumstances arise. It is for this reason that power has been reserved in this clause to Government for nominating as many as four members. I do not think, therefore, that honourable members should insist upon this amendment. I do not want to take up any more time of the Council. I trust that honourable members will see reason and not press the amendment.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I am sorry to say to begin with that the argument given by the Honourable Minister is based more on conjectures than on facts. Everything is contingent on something happening, this "may be" and that "may not be." But we are confronted with what "should be" and what "is". He says that he has the greatest sympathy with this amendment, but even this sympathy does not go farther than mere lip sympathy. This reminds me of a Punjabi proverb—

پنجان د کہنا سو متھے لے۔ ہر نالہ اوتھے دا اوتھے

I do not think it is possible to translate it into English exactly, but for the benefit of some honourable members I shall try to explain what it means. A certain sort of *jhagra* was referred to a board of elders of a village. The question was whether a spout of a certain house should be fixed here or there. The whole of the elders of the village collected together and suggested that it should be shifted from its present place to another. Now, the man whose house it was where the spout was to be fixed said, 'I must bow down to the decision of the elders, but the spout will remain where it is.' I do not know wherein lies the need for this lip sympathy, when the Honourable Minister is not prepared to move an inch from the position which he originally has taken in this clause.

Another objection which I have got is, when the Honourable Minister has admitted the principle, why should he have a different opinion when we come to details? If you refer to the clause itself, you will find that sub-clauses (c), (d), (e) and (f) specify what classes of people will be represented on this board. This shows that the Honourable Minister himself does not believe in the good-will or good sense of the local Government or of the Legislative Council. He himself prefers that so many should be taken from this interest and so many from that interest and so on. When he himself admits the principle, why should he differ from us on a question of

detail? First of all I do not believe that there will be as many as 160 agriculturists or the so-called agriculturists in the new Council. From our experience we can see that these rural seats will fall an easy prey to the urbanites who call themselves agriculturists, but who are not really agriculturists. I do not want to refer to personalities, otherwise I can cite instances where the urbanites have captured rural seats in this very Council. I therefore do not believe that the agriculturists will be in a majority in the new Council to the extent of 160. Further, granting that the agriculturists will be in a majority in the next constitution, I submit that that is the very reason why a greater number of their representatives should be on this board. The class which is in a majority must have majority representation on any future board which may be constituted under any Act.

The next point referred to by the Honourable Minister is that he depends on the future local Government to nominate people from the class of agriculturists. He also says that the majority should not trample upon the rights of the minority. Does he consider then, that the future Government will be such that it will always give every sort of power, every sort of representation and right to the agriculturists alone? It will have to look to the interests of all sections and communities, agriculturists or non-agriculturists, Hindus, Sikhs or Muhammadans. It cannot therefore be expected to be so unreasonable that it will nominate all the members for this board from one class only, that is, the agriculturists. Therefore this argument of the Honourable Minister does not hold good. Another point that he referred to was that we should not impart any class distinction in this measure. But such a distinction has already been imparted; because what else is it when you say that class A will represent such and such an interest, class B such and such other interests, and so on? It is only in the matter of detail that we differ. We only suggest that one more class be added to the classes referred to in sub-clauses (a), (b), (c), etc. The class distinction is already there in this measure, and what we suggest is that one more class may be represented there in the board, the class which is always ignored. A further argument advanced by the Honourable Minister was that we should have only those people who can give sound advice. I do not know why the agriculturists should be debarred from giving any advice on a subject covered by this Bill while they have successfully officiated in the highest offices in the country, I refer to men like Sir Zafrulla Khan, you yourself, Mr. President, Mian Sir Fazl-i-Husain, and Sir Sikander Hyat Khan, who even acted as Governor of the Punjab for some time. With such eminent agriculturists in the province, I am surprised how the Honourable Minister considers that the agriculturists would not come up to the standard required under this petty Bill. I think the agriculturists can perhaps give sounder advice than the people who may represent the Chambers of Commerce. The Honourable Minister presumed that the people who belong to the interests proposed to be represented by Mr. Ghani's amendment will be the only people who will be elected by the Council. Why then can he not trust the Council for the representation of those who are mentioned in sub-clauses (e), (f) and (g)? If we can depend on the goodwill of the future Government and the good-will of the future Legislative Council for securing the representation in the board of the interests sought to be represented by the amendment of Mr. M. A. Ghani, can we not depend

[K. S. Ch. Riasat Ali.]

on the same body for the representation of the other interests referred to in the clause? I think I have sufficiently made out a case for the acceptance of the amendment, and I trust the Council will accept it. (*Cheers.*)

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural): Nearly all the points that I wished to talk about have been already dealt with by the honourable member for Gujranwala, and there is hardly anything for me to speak about. But there is one rather minor point to which I would like to refer. The Honourable Minister for Local Self-Government said that the fact that the agriculturists paid most of the Government revenue was not a reason why they should be given representation on the board. Are the poor agriculturists only to fill the coffers of Government and have no right to control the expenditure thereof? I should think that the Government should have been the first to say that because the agriculturists contribute most towards the income of Government, therefore whenever the question of spending it arises, they should be the first to be consulted. With these words I strongly support the amendment.

Professor W. Roberts (Non-official, nominated): I wish to oppose the amendment because I think that in a matter of this kind, the industrial development of the province, we should try to forget all divisions whether of caste or of wealth or of origin, and all should work together to make this province a real factor in the industrial development of India. (*Hear, hear.*) It would be a great mistake for the party on this side to force an issue here, because the number of special representatives are only three out of a total of twelve; four being nominated by the Government and the remaining five being elected by this Council. These three are to be selected not merely because they are themselves industrial or commercial people but because they will have behind them the opinions of their Chambers as well. I think it will be a retrograde measure if this House refuses to accept the Honourable Minister's suggestions. I may say that I myself at first examined this Bill very jealously hoping to be able to criticise it from the very aspect that my friends here have been doing and I came to the conclusion that it has been worked out and put forward very fairly indeed. I, therefore, do not lend my support to the amendment.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I have stood up to support the proposal made by my honourable friend, Mr. M. A. Ghani. We all know that the Department of Industries has been the home of nepotism under the present Minister. The learned Doctor Sahib has always acted upon the ignominious principle of favouritism, and as the Punjabi proverb goes انہاں وانے شہزادیاں تہ مہر دیاں نہیں he has always bestowed all the blessings of the Industrial Department on his own favourites, who belong to the Hindu community. So, I should like the Government to see to it that in future the administration of the proposed Act is not entrusted exclusively to officers like the learned Doctor Sahib, Mr. S. Pratab and Rai Bahadur Arjan Dass, who never have failed to ignore the rights of Muslims. However, if the Government wants to see the Muslims wiped out of existence and their mosques or other sacred places demolished, it may well entrust the administration of this Act to the men I have just named.

Diwan Bahadur Raja Narendra Nath : I strongly object to these words.

Mr. President : I cannot allow a speech like this.

Mr. Nanak Chand Pandit : The honourable member should withdraw those words.

Chaudhri Muhammad Abdul Rahman Khan : Very well, Sir, I withdraw them. The labourers are poor people. We must make provision for their adequate representation on the board. Most of the labourers come from zamindar classes; they have therefore our entire sympathy. They have a very small political party in this country and this is why they have not an adequate representation in this House also. It is our duty, therefore, to look to their interests. The learned Doctor Sahib has time and again pointed out in this House that he is always anxious to help his community. Why should we not help these poor labourers who belong to our community of zamindars? If this is not done, the labourers and zamindar stand to lose very much.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban) : I want to make one or two observations on this point. I quite agree with Mr. Roberts that there should be no conflict of interests in a matter of this kind. A board constituted on this very important matter has got to deal with industrial matters. The Honourable Minister has told the House, that the idea was that out of the five elected members from this House agricultural interests will find representation. But as there is an apprehension expressed on the floor of this House, there is no harm if by some method agricultural interests are directly represented. In similar Acts in some other provinces, for example, the Director of Agriculture is a member of the board. We have not made that provision in our Bill. Out of the two members who have been suggested by the mover of this amendment, one may be the Director of Agriculture, and the other, a member either elected or nominated by the Government. Coming to labour, the idea that prevailed in the select committee was that out of the four members to be nominated by the Government, one might represent labour interests. In other provinces also, in the Central Provinces and Bombay Acts, labour is represented and there is no harm if one representative of labour is also put on the board. (*The Honourable Dr. Sir Gokul Chand Narang :* Are you sure?) Yes, in the Central Provinces, as a matter of fact, all members representing labour constituencies in the Legislative Council are members of the board. But in Bombay only one labour member is represented on the board. In Bengal there is no representative of labour. There is no harm if one member representing labour is placed on the board, but I would rather leave it to the Government to nominate a labour representative than that labour representative should be elected. But in that case the membership of the board will be enhanced by two or three, and, in my opinion, this board should not be unwieldy. In fact in the original Bill the membership was restricted to 11 and it was increased to 14 in the select committee. If a separate member for labour is to be provided for on the board, then I think the number to be nominated by the Government should be reduced to three. For industry, however, three members ought to remain, because, as Mr. Roberts has

[S. S. S. Ujjal Singh.]

pointed out, three chambers of commerce will have their considered opinion represented on the board, and that member who will be on the board will not be expressing his own views, but he will be placing before the board the considered opinion of the three chambers.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): The functions of this board have been entirely ignored in pressing for nomination of various interests. When it is recognised that the functions of this board are purely advisory, unnecessary importance is being attached to its constitution, and attempts to due representation of classes is entirely useless. The important thing that we have to secure is that in this matter we should get a board of "experts", and if that point is ignored, it does not matter whether the board consists of labourites, depressed classes, or agriculturists, or other favoured classes. If you look at the clause you will find that this is the only clause which provides for the representation of some experts. We all know the manner in which unfortunately the Legislative Council usually elects members on various committees. The Legislative Council has to elect five members for the board. There is no provision that they or any of them should be experts, nor is there any provision that the nomination by the Government with the exception of one member should be of experts. I can assure you by experience that the representatives selected by the Punjab Legislative Council will not be experts. They may be persons who know nothing of industry. Again, as I have already said, out of four members to be nominated by the Punjab Government—only one is an expert. The other three may be some other influential members of the Legislative Council. In a board of the kind which the Bill contemplates, it is absolutely necessary that there should be provision for representation of industrial interests and for experts. It is immaterial if people who are learned in other branches of human experience do find a place there or not, however great their importance in the state. Therefore if you omit this clause you may just as well have a board for local self-government or a board for rural uplift; it will not be a board for industry. There should have been a definite provision, for you should have greater minimum representation of experts laid down in the statute. In fact I sent in an amendment proposing that instead of the word "members" the word "experts" might be substituted where the Punjab Government have to nominate four members. But unfortunately that amendment was not moved inasmuch as I thought that the proposals of the Government were pitched so low that from the industrial point of view they would command the acceptance of the House. Therefore, the proposals of the Government as they are, do not guarantee the minimum expert advice, which this board should possess. I should have liked, for instance, that the Principal or a selected professor of MacLagan Engineering College; the Principal or a professor of Agricultural College, Lyallpur. Professor of Chemistry of Punjab University, should be *ex officio* members. But that has not been done. Again, the board has only to advise what industries can be successfully introduced in this province with profit to the industrialists as well as to the whole of the province. If this board consists of ignorant or indifferent persons, if it is constituted on lines that there should be so many Muslims, so many Hindus, so many Sikhs, or so many agriculturists, and so many artisans, you are defeating the very object of

constituting a board of this kind and rendering the proposed legislation nugatory. This is certainly not the spirit in which an attempt to help the industries of the province should be commenced. If you want to secure really good and competent advice to the future Government, this House should insist that experts alone should be members of this board; in fact, men outside the Legislative Council should be invited and requested to undertake this public duty. After all these representatives of the chambers of commerce will be doing a public duty at considerable sacrifice of time to the prejudice of their other duties. They will be invited to give the benefit of their ripe experience, and it is a matter of surprise that instead of encouraging these persons to undertake these duties with enthusiasm, it is proposed that they should not be appointed at all. I submit that the amendment should not be accepted.

Mr. M. A. Ghani : The amendment moved by me was so innocent and so harmless that I never thought that the representatives of capitalists and big bellies would have the hardihood to oppose it. I was simply surprised that these representatives always expressed sympathy for the poor people, but their sympathy is nothing but mere lip sympathy. In the heart of hearts they are perfectly anti-labour and they want to crush the labour interests and to trample their rights under their feet. A demonstration of this mentality has just been exhibited on the floor of this House. It is a very deplorable thing indeed. I said that my amendment was very harmless and innocent. In my amendment I never ignored the industrial interests. I said in my amendment, let there be two representatives of industrial interests. (*An honourable member :* Out of thirteen?) They, capitalists, may say that they wanted three representatives instead of two. I do not want that the board should be unwieldy. By my amendment I want to give power to the Government to make rules for the election of the representatives of the three different interests by their respective bodies. When certain members opposed the Criminal Law (Amendment) Bill, the Government accused them for not giving sufficient powers to the Government. But when a humble man like myself want to entrust it to the Government to make such rules as they like for the representation of interests, even then the Government oppose the amendment. It is said that it is very essential that the three chambers should have at least one representative each. Let the Government, by virtue of the power of making rules, provide this very thing. The two representatives of Industry can be elected by the two chambers of commerce, one by the Northern India Chamber of Commerce and the other by the Punjab Chamber of Commerce. The whole thing is achieved by the Government. As regards the Indian Chamber of Commerce, I would refer to my learned friend who represents commerce, I mean Rai Bahadur Mr. P. Mukerjee, who gave evidence before the Hammond Committee in September last, as regards the franchise of industries. There he stated this in so many words. I was present in the Committee. He stated that the Indian Chamber of Commerce was a bogus body and that it was a misnomer to call it a chamber of commerce.

Rai Bahadur Mr. P. Mukerji : Question. I did not say anything of the sort.

Rai Bahadur Mr. Mukand Lal Puri : It is a wrong statement. I was myself present there and he did not say a word of that sort.

Mr. M. A. Ghani : I am referring to his statement.

Mr. President : Has the honourable member got a copy of the statement ?

Mr. M. A. Ghani : The statement was made in my presence.

Mr. President : The honourable Mr. Mukerji denies it.

Mr. Nanak Chand Pandit : Then does the honourable member for labour withdraw it ?

Mr. President : The honourable member should withdraw.

Mr. M. A. Ghani : I withdraw. These three bodies are not registered bodies at all. We do not know what is their number and what is their strength and who are the members of these bodies.

The Honourable Dr. Sir Gokul Chand Narang : That is a wrong statement.

Mr. M. A. Ghani : I say that these three bodies are perfectly bogus bodies.

Rai Bahadur Mr. P. Mukerji : Is the honourable member in order in saying that ?

Mr. President : I have already requested the honourable members to be sure of their facts.

Mr. Nanak Chand Pandit : Is not the word " bogus " unparliamentary ?

Mr. M. A. Ghani : Nobody can say that these three bodies will exist so long as this Act will exist. Now, the Northern India Chamber of Commerce may be dissolved tomorrow, the Punjab Chamber of Commerce may become defunct tomorrow, and the Indian Chamber of Commerce may go to dogs tomorrow, and their places may be taken up by some other bodies. My point is that it is better for the Government to frame rules in this respect. Supposing the Northern India Chamber of Commerce were to become defunct, would the Honourable Minister for Local Self-Government come here and move an amendment to this section that the Indian Chamber of Commerce has become defunct therefore clause (e) should be deleted and some other body should be substituted for this Chamber ? It is therefore that I say that it is necessary for good legislation that power should be given to the Honourable Minister to make rules in this respect. The Government can make rules and amend them and change them at any time it likes, but it is very difficult to come to this House with an amendment and to have it given effect to. This will waste the time of the legislature and will increase the expenditure of the province. Therefore I would like that the hands of the Government be strengthened on this score. I am a nominated member and it is my duty to support the Government and strengthen their hands, and I therefore want to give Government more power in this respect. Let them make any sort of rules they like.

Mr. Nanak Chand Pandit : Who will be the labour representative ?

Mr. M. A. Ghani : That will depend upon the rules framed by the Government. Then the Government stands committed for the support of the proper representation of labour. I refer to the memorandum submitted by the Punjab Government to the Whitely Commission in which they have said in so many words.

Mr. President : Has the honourable member got a copy of the memorandum referred to by him ?

Mr. M. A. Ghani : No, but I remember the report. Then, it is dinned into our ears by every member of the Government and by the members of this House that they have got greatest possible sympathy for labour. As I have already said, this is a mere lip sympathy which they have expressed. This is the time to prove their sympathy and their sincerity which they have always expressed from house tops. Whenever there is a question of representing labour they oppose it, and they say they have got every sympathy for labour and that they are doing this or that for labour. (*Interruption*). As I am advised to stop my speech, as most of the members are eager to go away—

Mr. President : Who has advised the honourable member to cut short his speech ?

Mr. M. A. Ghani : I am not saying about you. I am talking about honourable members. I would respectfully submit to all members of this Council and especially to the Government that they should support this amendment. Government always wants more powers and I am giving them more power. The Government always sympathises with the aspirations of labour and I want them to give a practical proof of their sympathy on the floor of this House by supporting this amendment. One or two points were raised by the Honourable Minister for Local Self-Government. He is a capitalist of capitalists. He has got a capitalistic mentality.

The Honourable Dr. Sir Gokul Chand Narang : I am a labourer.

Mr. M. A. Ghani : Oh ! In his own factory the lot of the labourer is simply deplorable.

The Honourable Dr. Sir Gokul Chand Narang : This is absolutely untrue.

Mr. M. A. Ghani : It is absolutely true.

Mr. President : The honourable members should not be personal.

Mr. M. A. Ghani : Then it is said that out of the four members to be appointed by the Local Government, one shall be a representative of banking interests, but with the mentality that has been exhibited on the floor of this House, we are not sure whether a labour member will be nominated to the board. There is no guarantee in these two clauses that labour interests would be represented on this board. If the Honourable Minister for Local Self-Government were to give me an assurance that out of these four representatives, two representatives of labour and two representatives of

[Mr. M. A. Ghani.]

agriculturists would be nominated by him and his successors, I am prepared to withdraw my amendment. With these words I would commend this amendment to the support of the House.

The Honourable Dr. Sir Gokul Chand Narang : I think it has already been explained by me that there is plenty of scope for the representation of all interests, and Government is not expected to be partial towards one section of the community or another. The honourable members may rest assured that in making these nominations Government will certainly see that almost all interests are properly represented, the chief thing and the only thing being what is in the best interests of industries, because we are dealing with an industries Bill and that will be the main consideration. Much has been said about lip sympathy and so on. If the honourable members were a little more fair they would have realised that this Bill is in itself an expression and manifestation not of lip sympathy but of real sympathy. It is only the blind who will not see that when industries develop, the labourers stand to gain. If there are no factories, there is no work. There is no employment when factories are closed. Whenever there is slump in business, there is unemployment in every country and the labourers cannot get employment. It is not by turning out graduates, who cannot get employment in Government offices, but by multiplication of factories that unemployment can be checked. It is for this reason that many countries, when there is a slump in business, go off the gold standard, so that the goods manufactured by them may be sold cheaper to the foreign countries with the result that the factories again begin to show signs of activity and bustle, and there is a great reduction in unemployment. During the last two or three years, people in Great Britain must have themselves seen this. It is only people who do not understand things about which they talk, who make unfair distinction between factory owners and labourers. Labourers are like children to them and they are as interested in their welfare as in their own. Those people must be absolute fools who do not help labourers and watch their interests, because nothing would be more suicidal than ignoring the best interests of labourers. I would refer to one point more and that is that there is great difficulty in creating a constituency for labour. If the Reforms Commissioner had been a member of this House, he might have told you the great difficulty in forming a constituency for labour. It does not mean that there would be no representative of labour. As I have pointed out the House should rest assured that all interests would be properly represented with due regard to the interests of industries, (*hear, hear*).

Mr. President : The question is—

6 P.M.

That sub-clauses (1) (e), (f) and (g) of clause 3 be omitted.

The Council divided : Ayes, 22 ; Noes, 44.

AYES.

Abdul Ghani, Shaikh.	Jawahar Singh Dhillon, Sardar.
Afzal Haq, Chaudhri.	Mazhar Ali, Azhar, Maulvi.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Mubarak Ali Shah, Sayad.
Akbar Ali, Pir.	Muhammad Abdul Rahman Khan, Chaudhri.
Allah Dad Khan, Chaudhri.	Muhammad Amin Khan, Khan Bahadur Malik.
Asadullah Khan, Chaudhri.	Muhammad Hayat Qureshi, Khan Bahadur, Nawab.
Buta Singh, Sardar Bahadur Sardar.	Muhammad Sarfraz Ali Khan, Raja.
Chhotu Ram, Rao Bahadur Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nurullah, Mian.
Ghani, Mr. M. A.	Riasat Ali, Khan Sahib, Chaudhri.
Habib Ullah, Khan Bahadur Sardar.	Umar Hayat, Chaudhri.

NOES.

Abdul Aziz, Khan Bahadur Mian.	Mamraj Singh Chohan, Kanwar.
Anderson, Mr. J. D.	Mayadas, Mr. E.
Askwith, Mr. A. V.	Mohindar Singh, Sardar.
Bansi Lal, Chaudhri.	Muhammad Eusoof, Khwaja.
Bhagat Ram, Lala.	Muhammad Sadiq, Shaikh.
Bourne, Mr. F. C.	Mukand Lal Puri, Rai Bahadur Mr.
Boyd, The Honourable Mr. D. J.	Mukerji, Rai Bahadur Mr. P.
Bradford, Mr. W. G.	Muzaffar Khan, The Honourable Nawab.
Chetan Anand, Lala.	Narendra Nath, Diwan Bahadur Raja.
Dobson, Mr. B. H.	Nathwa Singh, Chaudhri.
Fazl Ilahi, Khan Sahib Shaikh.	Nihal Chand Aggarwal, Lala.
Firoz Khan Noon, The Honourable Malik Sir.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honourable Dr. Sir.	Pandit, Mr. Nanak Chand.
Gopal Das, Rai Sahib Lala.	Parkinson, Mr. J. E.
Grindal, Mr. A. D.	Rahman, Khan Bahadur, Dr. K. A.
Janmeja Singh, Captain Sardar Bahadur, Sardar.	Ramji Das, Lala.
Jogendra Singh, The Honourable Sardar Sir.	Ram Sarup, Chaudhri.
Jyoti Prasad, Lala.	Roberts, Professor W.
Labh Chand Mehra, Rai Sahib Lala.	Sewak Ram, Rai Bahadur Lala.
Labh Singh, Mr.	Shah Nawaz Khan, Nawab Khan.
Lekhwati Jain, Shrimati.	Sheo Narain Singh, Sardar Bahadur Sardar.
Macfarlane, Mr. D.	Ujjal Singh, Sardar Sahib, Sardar.

The Council then adjourned till 2 P.M., on Tuesday, 19th November, 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 19th November 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

POST OF EXECUTIVE ENGINEER, PUBLIC HEALTH CIRCLE.

***5128. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that a post of executive engineer in the Public Health Circle fell vacant recently ;
- (b) whether it is a fact that there is no Muslim holding a gazetted post in that circle ;
- (c) whether it is a fact that out of the seven gazetted posts, one is held by a European, one by a Sikh, and the remaining five by Hindus ;
- (d) if replies to (a), (b) and (c) be in the affirmative, whether the post was advertised and whether the claims of Muslim candidates were considered ;
- (e) if reply to (d) is in the affirmative, whether no Muslim candidate applied ;
- (f) if reply to (d) be in the negative, what Government proposes now to do in the matter ;
- (g) if nothing ; what are the reasons thereof ?

The Honourable Sardar Sir Jogendra Singh : (a), (b) and (c) The reply is in the affirmative.

(d) The post was not advertised as a properly qualified officer was promoted to fill it.

(e) and (f) The post vacated by the officer promoted is being offered to a qualified Muslim engineer.

(g) Does not arise.

SIKH HEAD MASTERS IN DISTRICT BOARD HIGH SCHOOLS, RAWALPINDI DIVISION.

***5129. Sardar Jawahar Singh Dhillon :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of district board high schools and district board anglo-vernacular middle schools in the Rawalpindi division ;
- (b) the number of head masters in those schools communitywise ;
- (c) if there is a paucity of Sikh head masters, whether the Government is prepared to redress the grievance of the Sikh community in the division ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

WAITING ACCOMMODATION FOR VISITORS INTERVIEWING PRISONERS,
CENTRAL JAIL, LAHORE.

***5130. Sardar Jawahar Singh Dhillon :** Will the Honourable Finance Member please state—

- (a) whether there is any waiting accommodation for visitors interviewing convict or under-trial prisoners outside Central Jail, Lahore ;
- (b) if not, whether Government proposes to provide some accommodation for the general convenience of the public ?

The Honourable Mr. D. J. Boyd : (a) No.

(b) A scheme for the provision of a shed has been prepared but has been held over for financial reasons.

PATWARIS' SCHOOLS.

***5131. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly lay on the table the following information re patwaris' schools opened during the last few years :—

- (a) (i) whether the number of students to be admitted was fixed ;
- (ii) whether any educational qualifications were prescribed for such students ;
- (iii) whether the students for these schools were selected before admission ; if so, how ;
- (b) whether it is a fact that in the Patwaris' School, Jullundur, the textbooks were changed last year ;
- (c) if the answer to (b) above be in the affirmative, the reasons for changing the courses of study ;
- (d) the percentage of failed students in the Patwaris' School, Jullundur ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

PATWARIS' SCHOOL, JULLUNDUR.

***5132. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly lay on the table the following information re the patwaris' school opened last year at Jullundur :—

- (a) the total number of students admitted to the said school ;
- (b) the number of students admitted districtwise ;
- (c) the number of successful students districtwise ;
- (d) the number of failed students districtwise ;
- (e) whether the number of students to be admitted was fixed districtwise ;
- (f) the books prescribed, the names of their authors and the royalty, if any, paid to the authors ;

- (g) whether any educational qualifications were prescribed for the students seeking admission to the said school; if so, what; if not, why not;
- (h) whether the students were admitted by selection; if so, how; if not, why not?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

PATWARIS' SCHOOL, HOSHIARPUR.

***5133. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly lay on the table the following information *re* the patwaris' school opened a few years ago at Hoshiarpur :—

- (a) the total number of students admitted to the said school;
- (b) the number of students admitted districtwise;
- (c) the number of successful students districtwise;
- (d) the number of failed students districtwise;
- (e) whether the number of students to be admitted was fixed districtwise;
- (f) the books prescribed, the names of their authors and the royalty, if any, paid to the authors;
- (g) whether any educational qualifications were prescribed for the students seeking admission to the said school; if so, what; if not, why not?
- (h) whether the students were admitted by selection, if so, how; if not, why not?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

POPULATION OF JULLUNDUR DISTRICT.

***5134. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the population of each community showing zamindars (statutory agriculturists) and non-zamindars, respectively, in the Jullundur district;
- (b) the total amount of salary paid to the employees of each community respectively, according to their being zamindars (statutory agriculturists) and non-zamindars, in the Jullundur district board;
- (c) the total amount of land revenue paid by Muslim and Sikh zamindars, respectively, in the Jullundur district?

The Honourable Dr. Sir Gokul Chand Narang : It is regretted that the reply is not yet ready.

POST OF SUB-REGISTRAR, JULLUNDUR.

***5135. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) the communal proportion of sub-registrars in the Jullundur district ;
- (b) whether it is a fact that the post of Sub-registrar, Jullundur, fell vacant recently ;
- (c) whether it is a fact that there is a paucity of Muslims in this branch of the service ;
- (d) whether it is a fact that a number of Muslims applied for this post ;
- (e) if the answer to (d) above be in the affirmative, whether a Muslim has been appointed to this post ; if not, why not ?

The Honourable Dr. Sir Gokul Chand Narang : (a) —

Muslims	..	..	..	..	1 post.
Sikhs	..	..	..	..	4 posts.

(b) Yes.

(c) In the Punjab, the Muslims are holding 40 per cent. appointments.

(d) Yes.

(e) No. The sub-registrar's office at Alawalpur is, as recommended by the deputy commissioner and commissioner, going to be abolished and amalgamated with the office at the headquarters and the Sub-registrar of Alawalpur will be put in charge.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : The answers to my questions may kindly be given in Urdu.

Mr. President (to Assistant Secretary) : Please ask the honourable member, under what standing order or rule is the President empowered to have answers to questions translated.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : The fact that I do not know English is a sufficient justification for the demand I have made. What more justification is wanted ?

Mr. President (to Assistant Secretary) : Please tell the honourable member that the President is bound to follow the rules and standing orders in force. If there is any standing order or rule which authorises him to have the answers to questions translated, he shall gladly comply with the request of the honourable member, otherwise he is unable to oblige him.

Chaudhri Allah Dad Khan (Urdu) : If there is already no order in the Business Manual requiring the members of the Government to supply answers to questions in vernacular, one such order can be made now. When speeches can be translated in the vernacular, there should be no difficulty in translating questions and their answers also.

Mr. President : There appears to be some misapprehension about the rules and standing orders in force. Therefore, I will draw the attention

of the honourable members to rule 14 or paragraph 58 which runs as follows :—

The business of the Council shall be transacted in English, but any member may address the Council in Urdu, or, with the permission of the President, in any vernacular of the province.

Under this rule any member is at liberty to address the Council in Urdu and with the permission of the President in any other language of the province.

(ii) Then there is sub-paragraph (4) of paragraph 64. It says—

At the President's discretion any speech may immediately after its delivery be translated in abstract from English into Urdu, or *vice versa* by an official translator.

It is clear from the rule and standing order read by me that speeches made in Urdu or English can be translated, if so required. But a question or an answer to a question is not a speech, and therefore, I have no power to have it translated. That is my difficulty. However, if the House directs me to have the answer to the question in question translated, I shall have the needful done.

Khan Bahadur Malik Zaman Mehdi Khan : If the speeches can be translated into Urdu and *vice versa*, similarly answers to questions in English can be translated into Urdu. Secondly, is there any rule which prohibits the President from ordering the translation of a question from English into Urdu ?

Mr. President : May I know the view of the Leader of the House ?

The Honourable Mr. D. J. Boyd : I personally have not the slightest objection to translations being made and would in fact welcome them. But one has to look ahead. In the new Assembly it seems highly probable that 50 per cent. of the members will not know English and if every answer to a question is to be translated the time of the new Legislative Assembly will be spent to a very great extent on listening to translations. That consideration ought to be borne in mind.

Mr. President : May I take it that it is the wish and pleasure of the House that I may have the answer to the question asked by the Honourable Chaudhri Muhammad Abdul Rahman Khan translated into Urdu ? (*Honourable members :* Yes, yes.)

(*The answer was then translated in Urdu.*)

Lala Bhagat Ram : Will the Honourable Minister kindly state as to when this post of the sub-registrar at Jullundur was created and for how long it has been in existence ?

The Honourable Dr. Sir Gokul Chand Narang : I cannot say at present definitely as to when this post was created, but it has since been abolished.

Lala Bhagat Ram : Is it a fact that according to rules the post of a sub-registrar is abolished either on the death of the incumbent or on his submitting the resignation and that in this particular case the rules have not been observed ?

The Honourable Dr. Sir Gokul Chand Narang : The honourable member will do well to consult the Registration Manual to find an answer to his question.

Chaudhri Muhammad Abdul Rahman Khan : Will the Honourable Minister kindly state whether he was not able to find any capable person at Jullundur for the post of the sub-registrar that he has imported a person from outside to fill that vacancy ?

The Honourable Dr. Sir Gokul Chand Narang : This question has already been answered.

SUB-REGISTRARS.

***5136. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly lay on the table a statement showing—

- (a) the names of sub-registrars in the province ;
- (b) how many out of them belong to rural areas and how many to urban areas and how many out of them are statutory agriculturists ;
- (c) whether any community is under-represented in this branch of service ; if so, what action the Government has taken to make up the deficiency of the under-represented community ; if no action has so far been taken, the reasons for the same ?

The Honourable Dr. Sir Gokul Chand Narang : (a) A list showing the names of various sub-registrars in the province is enclosed.

(b) I regret that the answer to this clause is not ready, but I believe that an overwhelming majority of sub-registrars belong to statutory agricultural tribes.

(c) No proportion having been fixed for various communities in this branch of service, the attention of the honourable member is drawn to paragraph 7 of the Punjab Registration Manual wherein the policy of Government in making appointments to this service is laid down.

Chaudhri Muhammad Abdul Rahman Khan (Urdu) : I want the answer to this question also to be translated into Urdu.

(At this stage the Honourable President asked the Assistant Secretary to translate the answer and he translated it.)

Mr. President : Gentlemen, in connection with the translation of answers to questions I may invite the attention of the Council to section 85 of the new Government of India Act. It contains no provision for translating speeches or questions and answers. The only facility given by that Act is that members who are not sufficiently acquainted with English may use any other language in their speeches, but they have no right to get their speeches translated. The section runs as follows :—

All proceedings in the Legislature of a Province shall be conducted in the English language :

Provided that the rules of procedure of the Chamber or Chambers, and the if any, with respect to joint sittings shall provide for enabling persons un-acquainted, or not sufficiently acquainted, with the English language to use another language.

Statement.

Serial No.	Names.	Serial No.	Names.
1	Honorary Lieutenant Thakar Sukhpal Singh.	31	Sardar Sahib Risaldar Janmeja Singh.
2	Rai Sahib Subedar-Major Kehri Singh.	32	Lala Bishan Des.
3	Rai Sahib Subedar Mohar Singh.	33	Risaldar Bahadur Bir Singh.
4	Subedar Hans Raj.	34	Risaldar Surain Singh.
5	Sahibzada Zulfikar Ali Khan.	35	Risaldar Sardar Ajit Singh.
6	Subedar Jug Lal.	36	Chaudhri Ali Akbar.
7	Rai Bahadur Lala Ganga Ram.	37	Risaldar Ram Singh.
8	Chaudhri Ganga Bishan.	38	Badr Mohi-ud-Din.
9	Sardar Judhbir Singh.	39	Sardar Sahib Sardar Randhir Singh.
10	M. Jagdish Singh.	40	Sardar Sahib Sardar Upar Singh.
11	M. Brij Mohan Pal.	41	Chaudhri Inayat Ullah Khan.
12	Th. Abbai Chand.	42	Chaudhri Qasim Ali.
13	Lieutenant Mian Narindar Singh.	43	Honorary Captain R. M. Sardar Bahadur Sardar Sant Singh.
14	Chaudhri Nur Muhammad.	44	Khan Sahib Malik Muhammad Roshan Khan.
15	Sardar Indar Singh.	45	Subedar-Major Fazl Hussain.
16	Subedar Devi Singh.	46	Chaudhri Roshan Din.
17	Sardar Bahadur Honorary Captain Lal Singh, O.B.I.	47	M. Fateh Muhammad Khan.
18	Sardar Gurbachan Singh.	48	Chaudhri Muhammad Ashraf.
19	Sardar Bahadur Sardar Shiv Narain Singh.	49	Risaldar Sultan Muhammad.
20	Sardar Phula Singh.	50	S. M. M. Muhammad Sadiq.
21	Sardar Bishan Singh.	51	Risaldar Muhammad Sarwar Khan.
22	M. Sami Ullah.	52	Khan Sahib Hasham Khan.
23	Major Hushara Singh, M.B.E.	53	Khan Sahib M. Muzafar Khan.
24	Sardar Dalip Singh.	54	Dewan Munna Lal.
25	Khan Bahadur Rai Inayat Khan.	55	Sardar Bahadur Dilbagh Singh.
26	Risaldar Muhammad Hussain Khan.	56	Khan Sarfraz Khan.
27	Subedar Allah Bakhsh.	57	Rai Bahadur Lala Girdhari Lal.
28	Bhai Rajindar Singh.	58	Khan Bahadur S. Rajan Bakhsh.
29	Khan Sahib M. Amir-ud-Din.	59	M. Fazl Karim Bakhsh.
30	Honorary Captain R. M. Sardar Bahadur Lakha Singh.	60	M. Allah Bakhsh.
		61	Khan Rahim Dad Khan.

AGRICULTURISTS AMONG SUB-REGISTRARS.

***5137. Chaudhri Muhammad Abdul Rahman Khan :** (a) Will the Honourable Minister for Local Self-Government kindly lay on the table a copy of the memorandum or notifications stating that agriculturists are to be given preference in the matter of appointments to the post of a sub-registrar, if there be any ;

(b) If there is no such memorandum or notification issued by Government to this effect, will he kindly state the reasons for ignoring the claims of agriculturists in this line of service ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Necessary instructions in this behalf were issued in 1918 and they are incorporated in paragraph 7 of the Punjab Registration Manual.

(b) Does not arise. The claims of agriculturists have not been ignored. With very few exceptions the sub-registrars are all agriculturists.

PATWARIS' SCHOOL, JULLUNDUR.

***5138. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly state with regard to the Patwaris' School at Jullundur—

- (a) whether a particular proportion was fixed for each district amongst the entrants to the said institution ; if so, what ; if not, why not ;
- (b) whether the proportion fixed for each district was exceeded in some cases ; if so ; why ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

PATWARIS' SCHOOL, JULLUNDUR.

***5139. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly state with regard to the Patwaris' School at Jullundur—

- (a) whether it is a fact that in accordance with the proportion fixed for Jullundur district 22 students should have been admitted to the said school ;
- (b) whether it is a fact that 465 students were actually admitted to the said school ;
- (c) if so, the reasons for this excessive admission of students to the said institution ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

PENSION TO TAHSIL CHAPRASIS.

***5140. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member kindly state—

- (a) whether tahsil chaprasis are not treated on the same footing as other Government servants in the matter of grant of pension ;
- (b) if so, whether the Government propose to do away with this differential treatment ; if not, why not ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

LAND GRANTS.

***5141. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that the squares of land distributed in the Jullundur, Hoshiarpur and Ludhiana districts, in lieu of land eroded by rivers, have been given on the distinct understanding that the grantees thereof shall be responsible for digging wells in their lands ;

- (b) whether the Government propose to grant taqavi loans to the grantees mentioned in (a) so as to enable them to fulfil the condition on which land was granted to them ; if not, why not ;
- (c) if not, whether Government propose to grant land to the agriculturists mentioned in (a) at places where the condition of well-digging can be dispensed with ?

The Honourable Nawab Muzaffar Khan : (a) The question presumably refers to land available for allotment in the Lower Chenab Canal extensions outside the irrigation boundary. If so, no allotment has been made so far. The Deputy Commissioner, Ludhiana, was not asked to select any grantees nor is the scheme confined to those whose land has suffered from erosion. The Deputy Commissioners, Jullundur and Hoshiarpur were asked to select 50 grantees each. When allotment is made, one of the conditions will be that the grantee must sink a well for irrigation on his grant.

(b) and (c) Do not arise, but if any of the grantees applies for a taqavi loan and fulfills the conditions required under the rules governing such loans his case will be considered favourably.

CIVIL PRISONERS.

***5142. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member kindly state—

- (a) the number of civil prisoners during the last financial year ;
- (b) the number of civil prisoners since the enforcement of the Punjab Relief of Indebtedness Act ?

The Honourable Mr. D. J. Boyd : (a) 3,736.

(b) 528 during the second quarter of 1935. Figures for the third quarter are not available yet.

SIKHS IN DISTRICT BOARD SERVICES.

***5143. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that at a meeting of the District Board, Jullundur, held on the 20th May, 1935, a resolution was passed to the effect that Sikhs should be given 80 per cent. representation in district board services, because the Sikh zamindars pay a very large amount of the land revenue ?
- (b) whether it is a fact that the deputy commissioner recommended that Sikhs should be given preference in the service of the district board ;
- (c) whether the deputy commissioner before making his recommendations had satisfied himself that the Sikhs do really contribute the largest share of the land revenue ;
- (d) if not, what are the reasons for making such a recommendation ?

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

(b) No.

(c) and (d) Do not arise.

CONTRACTORS IN IRRIGATION DEPARTMENT.

***5144. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member kindly state—

- (a) the number of contractors in the Irrigation Department and the number of Hindus, Muslims and Sikhs amongst them ;
- (b) the number of agriculturist and non-agriculturist contractors, respectively, in the Irrigation Department ;
- (c) what action the Government propose to take with a view to redressing communal inequality, if any, amongst the contractors of the Irrigation Department ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The labour of collecting the information would be out of all proportion to the value of the information desired.

(c) None, since any general attempt to employ contractors community-wise would be detrimental to Government interests.

DEPARTMENTAL CHARGES REALIZED FROM LOCAL BODIES.

***5145. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Minister for Agriculture please state—

- (a) the amount of departmental charges realized from the local bodies for the works carried out under the supervision of the Public Works Department in the years 1933, 1934 and 1935 ;
- (b) the percentage of such charges on the amount of work done in the case of metalling of roads, construction of buildings and execution of drainage works, respectively ?

The Honourable Sardar Sir Jogendra Singh : (a) The figures of departmental charges are not available according to the calendar years 1933, 1934 and 1935. The figures according to the financial years are as follows :—

	Rs.
1932-33	1,17,748
1933-34	51,724
1934-35	1,17,242

(b) The percentage of such charges for all type of works referred to is as follows :—

	Works done by the regular Branch of the Public Works Department.	Works done by the Public Health Branch of the Public Works Department.
1st January, 1933, to 31st March 1933	19%	19%
1st April, 1933, to date	18%	19%

DEPARTMENTAL CHARGES REALISED FROM LOCAL BODIES.

***5146. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Minister for Agriculture please state—

- (a) whether any local body has represented to Government that departmental charges of the Public Works Department for works carried out for the local bodies under the supervision of the Public Works Department are unduly high ;
- (b) if so, what action he has taken in the matter ?

The Honourable Sardar Sir Jogendra Singh : (a) The answer is in the negative.

(b) Does not arise.

HOSPITAL SURGEON, VETERINARY COLLEGE.

***5147. Sardar Arjan Singh :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the duties of the hospital surgeon at the hospital attached to the Punjab Veterinary College, Lahore ;
- (b) how they compare with those of house surgeons at the Mayo Hospital, Lahore, and Medical School, Amritsar ;
- (c) since when the present incumbent is holding the post of hospital surgeon ;
- (d) whether it is intended to make it a tenure appointment to enable other officers of similar status to acquire experience ?

The Honourable Sardar Sir Jogendra Singh : I regret that the reply to this question is not yet ready.

PASSPORT TO ALLAMA HUSSAIN MIR.

***5148. Maulvi Mazhar Ali Azhar :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that in February, 1933, the famous humourist and journalist of Punjab, Allama Hussain Mir, intended to visit sacred places in Persia, Mesopotamia, Syria, Palestine, Egypt and Hedjaz and submitted his application to the Deputy Commissioner, Amritsar, for a passport ;
- (b) whether it is a fact that the Superintendent of Police did not recommend a passport for the applicant ;
- (c) whether it is a fact that he was considered to be a leader of civil disobedience movement and a dictator of the " Jallianwala Bagh War Council " ;
- (d) whether it is a fact that the applicant was away from Amritsar during civil disobedience movement ;
- (e) whether it is a fact that the applicant has stated in his application that the only aim and object of his voyage was to pay a visit to the holy places ;
- (f) if the reply is in the affirmative, the reasons for the refusal to grant him a passport ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

MUSLIM REPRESENTATION ON PROFESSORIAL STAFF, GOVERNMENT COLLEGE, LAHORE.

***5149. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that there are at present ten professors in the Government College, Lahore ;
- (b) whether of these only one is Muslim ;
- (c) whether the post of a professor in Mathematics in the said college is going to fall vacant in December next ;
- (d) whether it is a fact that the attention of the authorities has already been invited to the paucity of Muslim representation on the professorial staff of the Government College, Lahore ;
- (e) whether it is a fact that since the creation of the Government College, Lahore, not a single Muslim has ever been made a professor of Mathematics ;
- (f) if replies to the above be in the affirmative, how Government propose to fill the post when it falls vacant ?

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

(b) Yes.

(c) Yes.

(d) The attention of the honourable member is invited to the answers given to questions No. 856¹, No. *3911² and No. *3741³ asked in the year 1984.

(e) No Muslim has been appointed as professor of mathematics in Government College, Lahore, for the last forty-four years.

(f) 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 continues to carry out the requirements of the formula contained in the said statement of policy.

MUSLIMS IN EDUCATION DEPARTMENT.

***5150. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that fixed percentage of Muslim representation in the Education Department is not less than 40 per cent. in any case ;
- (b) whether it is a fact that the Muslim representation on the professorial staff of the Government College, Lahore, is only 10 per cent. ;

¹ Volume XXV, pages 75-6.

² *Ibid*, page 732.

³ *Ibid*, pages 679-80.

- (c) whether it is fact that by June, 1936, two posts of professors will fall vacant, one in December, 1935, and the other in June, 1936 ;
- (d) if the Muslim representation is not 40 per cent. in the Government College, how it is proposed to fill the two posts ?

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

(b) Yes.

(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.

MUSLIMS IN PROVINCIAL EDUCATIONAL SERVICE.

***5151. Khwaja Muhammad Eusoof :** Will the Honourable Minister for Education please state—

- (a) whether it is a fact that the number of posts of Provincial Educational Service, class I, is fixed at 27 ;
- (b) how many of these posts have been reserved for Muslims ;
- (c) whether Muslims have proper representation in Provincial Educational Service, Class I, and Indian Educational Service posts combined ;
- (d) if they are under-represented, what steps Government propose to take to raise their percentage ?

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

(b) None.

(c) 17 Punjab Educational Service (Class I) posts are at present filled by (i) 6 Muslims, (ii) 4 Hindus, (iii) 2 Sikhs and (iv) 5 Christians. The percentage is thus—

Muslims	..	..	..	..	85.29
Hindus	..	..	..	..	23.53
Sikhs ..	..	..	..	..	11.77
Christians	..	..	..	..	29.41

In the Indian Educational Service only 11 posts are filled. These are occupied by (i) 1 Muslim, (ii) 2 Hindus and (iii) 8 Christians.

The percentage is—

Muslims	..	..	..	..	9.10
Hindus	..	..	..	..	18.18
Christians	..	..	..	..	72.72

The Muslims seem suitably represented in the Punjab Educational Service (Class I), but not in the Indian Educational Service.

(d) Government cannot raise the percentage of Muslims in the Indian Educational Service as no recruitment to this service is now made.

ELECTRIC TESTING LABORATORY.

***5152. Sardar Sampuran Singh :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that a sum of over Rs. 20,000 was allotted to the Industries Department in the financial year 1934-35, for the purchase of instruments and meters for the Electric Inspector Laboratory ;
- (b) whether it is a fact that additional funds to the same extent are being asked for by the Electric Inspector to complete the purchase of this equipment ;
- (c) whether the question of having a similar laboratory in Maclagan Engineering College, Moghalpura, is also under consideration and that instruments of similar nature have been purchased by the Hydro-Electric Department ;
- (d) the reasons for not centralising the electric testing laboratory at Maclagan Engineering College, Moghalpura, where a competent staff to run the same is available without extra cost to Government, in order to effect a saving ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not ready.

VACANCIES IN CIVIL VETERINARY DEPARTMENT.

***5153. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- (a) whether there are any vacancies in Class I and Class II (Provincial) in the Civil Veterinary Department ;
- (b) if so, when they are likely to be filled in ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) The matter is now in hand.

REVISION OF PAY IN THE CIVIL VETERINARY DEPARTMENT.

***5154. Lala Jyoti Prasad :** Will the Honourable Minister for Agriculture please state—

- (a) whether it is a fact that the revision of pay of the Provincial scale in the Civil Veterinary Department is under consideration ;
- (b) if so, whether it is proposed to consider the revised rates of pay for M. R. C. V. S. in comparison with that offered by the Military Department for the officers of the same qualifications in the Indian Army Veterinary Corps ?

The Honourable Sardar Sir Jogendra Singh : (a) Revised scales have been provisionally fixed and will be announced shortly.

(b) There are no special rates for holders of the M.R.C.V.S. qualification.

ASSISTANT SUB-INSPECTORS OF POLICE.

*5155. **Lala Jyoti Prasad** : Will the Honourable Finance Member be pleased to state—

- (a) the number of assistant sub-inspectors of police communitywise recruited annually during the last five years ;
- (b) the names of assistant sub-inspectors communitywise with their home districts, recruited annually, during the abovementioned period from the Ambala division ;
- (c) whether any Hindu agriculturists or non-agriculturists have been recruited from the Hissar district during the above period ;
- (d) if not, the reasons for the same ?

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

(b) A statement is laid on the table.

It is not the practice of Government to give names.

(c) No.

(d) The recruitment of these officers is not made on a district basis, and the candidates have to be judged on their merits.

Statement A.

Year.	Muslims.	Hindus.	Sikhs.	Christians.
1931	18	8	5	..
1932	1	..	..	..
1933	11	4	5	..
1934	10	2	3	..
1935	18	7	6	1

Statement B.

Year.	Muslims.	Hindus.	Sikhs.
1931 .. ..	..	1 (Gurgaon).	..
1932	1 (Ambala).	..	..
1933	1 (Simla).	1 (Karnal).	..
1934 .. ..	..	1 (Rohtak).	1 (Ambala).
1935	1 (Hissar) (Subsequently discharged).	1 (Rohtak).	1 (Ambala).
Total ..	4 (including one sub- sequently discharg- ed).	4	2

SANATORIUM AT MURREE.

***5156. Chaudhri Nathwa Singh :** Will the Honourable Minister for Education be pleased to state—

- (a) whether he is aware that a sanatorium for patients suffering from tuberculosis has been started at Murree under the Indian Red Cross Society ;
- (b) whether the sanatorium has been given any aid by the Government ;
- (c) if not, whether Government propose to give any grant-in-aid to the institution and in case it proposes to do so, the amount ?

The Honourable Malik Sir Firoz Khan Noon : (a) Yes, a tuberculosis sanatorium has been opened at Samli near Murree.

(b) A grant-in-aid of Rs. 1,000 per annum will be paid from provincial revenues with effect from the next financial year, provided it is voted by the Council.

(c) Does not arise.

ID-UL-ZUHA.

***5157. Shrimati Lekhwati Jain :** With reference to the question No. *4970¹ by Pir Akbar Ali, will the Honourable Finance Member be pleased to state how many of these riots were the outcome of provocation given by Muslims in the form of :—

- (i) taking out decorated cows in processions ;
- (ii) starting cow sacrifice or slaughter where it had never taken place before ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

INDIAN MEDICAL ASSOCIATION.

***5158. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the members of the P. C. M. S. and the I. M. S. in the Punjab are not allowed by the Punjab Government to join the Indian Medical Association ;
- (b) whether it is also a fact that such a ban is not imposed by other provincial Governments in India ;
- (c) the reasons which led the Punjab Government to adopt a policy different from that of other provinces ?

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

(b) Government are not aware whether other provincial Governments have passed similar orders or not.

(e) The Punjab Government do not allow the medical officers under its control to become members of the Indian Medical Association in view of the tone of some of the resolutions passed by the Association in recent years, particularly those in criticism of measures taken by Government for the suppression of subversive political movements.

Diwan Bahadur Raja Narendra Nath : Would it not be worth your while to enquire from other provinces whether they have imposed such a ban or not? I do not think it is desirable to have a practice for this province so different from that of other provinces.

The Honourable Malik Sir Firoz Khan Noon : I think it is not necessary for Government to do or not to do what other provinces do or do not do. Each case has to be decided on its own merits and this case has received the very careful consideration of Government. I think about two years ago I sent for the resolutions which were passed and studied them all very carefully and found the tone of most of these resolutions exceedingly bad. Each resolution practically said "We condemn Government; we condemn Government"—the whole list of them ran in the same spirit. You cannot allow Government servants to be sitting in judgment and condemning their own Government. This is subversive of all discipline. So far as their own grievances are concerned, they have a medical association of their own for P.C.M.S. which has a president, secretary, committee members and so on and these office bearers can always come to me or to the Inspector-General of Civil Hospitals for redress of their grievances whether these be official or professional. Therefore it is not necessary for these people to go and join an association suggested by the Raja Sahib.

Diwan Bahadur Raja Narendra Nath : Am I to understand that your Government is more sensitive than that of any other province?

The Honourable Malik Sir Firoz Khan Noon : More sensible certainly. (*Laughter*).

MUSLIMS IN ELECTRICITY CIRCLE.

*5159. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly state—

- (a) the number of superintendents, senior clerks and stenographers; respectively, in the Electricity Circle of the Public Works Department (Buildings and Roads Branch), and the number of Muslims, Hindus and Sikhs, amongst them;
- (b) whether it is a fact that not a single Muslim is occupying the posts mentioned in (a) above;
- (c) whether it is a fact that a Muslim clerk worked in the grade of Rs. 75—5—150 for no less than four years and that during this period his work was quite satisfactory;
- (d) whether it is a fact that the services of the Muslim clerk mentioned in (c) above were dispensed with and a non-Muslim was appointed to that post; if so, why;
- (e) whether it is a fact that the non-Muslim clerks appointed in the Rs. 75—5—150 grade are all non-matriculats; if so, why?

The Honourable Sardar Sir Jogendra Singh : (a) The office establishment of the Executive Electrical Engineer consists of the following:—

Head clerk	..	..	..	1 Muslim.
Senior clerk	..	..	..	1 Hindu.
Junior clerks	..	..	..	3 Muslims, 2 Hindus. and 1 Sikh.
Accountant	..	..	..	1 Hindu.

or a total of 4 Muslims, 4 Hindus and 1 Sikh.

(b) No.

(c) and (d) It is not a fact.

(e) No.

ELECTRICITY DEPARTMENT.

***5160. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly state—

(a) whether it is a fact that under the new reorganisation scheme the offices of Electrical Engineer and Electrical Inspector, Lahore, were separated and the staff was also reduced;

(b) if the answer to (a) above be in the affirmative—

(i) the principle on which the reduction was made;

(ii) whether length of service was taken into account at the time of reduction;

(iii) whether educational qualifications were taken into account at the time of reduction;

(iv) whether any communal proportion was fixed at the time of reduction, if so, what;

(c) whether it is a fact that permanent incumbents of posts were brought under reduction and temporary clerks were appointed in their places; if so, why?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) (i) The principle enunciated by the Honourable Member for Finance in a debate in the Legislative Council on the 19th July, 1927.

(ii) Yes.

(iii) Yes.

(iv) No, but the question of communal representation was very carefully considered.

(c) Yes, as a result of the principle referred to in (b) (i) above.

MUSLIM OVERSEERS, PUBLIC WORKS DEPARTMENT.

***5161. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Agriculture kindly state—

(a) the communal proportion of overseers in the Public Works Department (Buildings and Roads Branch);

- (b) whether it is a fact that there was only one Muslim overseer in this department ;
- (c) whether it is a fact that in a recent circular issued by Government the communal proportion of Muslims was fixed at 51 per cent.
- (d) if the answer to (c) above be in the affirmative, whether the circular has been given effect to ;
- (e) whether it is a fact that recently four overseers were appointed out of which only one was a Muslim ; if so, why ?

The Honourable Sardar Sir Jogendra Singh : (a) Muslims 27·7 per cent.

Hindus 58·5 per cent.

Sikhs 13·8 per cent.

(b) and (c) No.

(d) Does not arise.

(e) Yes. When making appointments communal proportions were borne in mind, but the claims of retrenched subordinates had also to be considered.

PRINCIPAL, MEDICAL SCHOOL, AMRITSAR.

***5162. Lala Jyoti Prasad :** Will the Honourable Minister for Education kindly state—

- (a) whether the Secretary of State by his Press *communiqué*, dated the 10th May 1928, released ninety posts till then reserved for the Indian Medical Service for the Provincial Medical Services ;
- (b) whether in pursuance of this Press *communiqué* of the Secretary of State ; the Government of India by a resolution No. F.-9-3-32, divided the posts into those reserved for the Indian Medical Service and those reserved for the Provincial Services ;
- (c) whether the post of the Principal, Medical School, Amritsar, was one of those which was reserved for the Provincial Services ;
- (d) why no qualified member of the Provincial Civil Medical Service has been appointed to this post so far ?

The Honourable Malik Sir Firoz Khan Noon : (a) Under the *communiqué* quoted by the honourable member 90 posts formerly reserved for I. M. S. officers are to be gradually released.

(b) The effect of the orders contained in notification No. F. 9-3-32, dated the 12th October, 1932, is that certain posts will remain reserved for the Indian Medical Service and certain posts will not be so reserved. No posts, however, are reserved for the Provincial Services.

(c) No.

(d) Does not arise.

FEMALE ASSISTANT SURGEONS.

***5163. Shrimati Lekhwati Jain :** Will the Honourable Minister for Education be pleased to state—

- (a) the number of male Assistant Surgeons with M.B., B.S. qualifications ;
- (b) the number of female Assistant Surgeons with the said qualifications working in the district headquarters and the mufassil ;
- (c) the reasons for this vast disparity ;
- (d) the reasons for keeping the female sub-assistant surgeons in the district headquarters, when there are so many female assistant surgeons with M.B., B.S. qualifications waiting for employment ;
- (e) why no female sub-assistant surgeons are stationed in the mufassil dispensaries for the treatment of female patients from the rural area ;
- (f) whether it is intended to take steps to get the Jubilee fund available for the benefit of female patients in the rural areas ?

The Honourable Malik Sir Firoz Khan Noon : (a) 112.

(b) 1.

- (c) The sanctioned strength of the assistant surgeons, men's branch is 151 while that of the women's branch is two only.
- (d) It is open to M. B. B.Ss. to apply for the posts when they fall vacant.
- (e) Lack of funds.
- (f) It is not possible to anticipate the views of a committee that will distribute this fund.

CONSTRUCTION OF A CHABUTRA IN RAHON.

***5164. Chaudhri Ram Sarup :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that Muhammad Latif and Kifait Khan, residents of Municipal Committee, Rahon, district Jullundur, had built a *chabutra* on municipal land in Ghati Telian ;
- (b) whether it is a fact that the *chabutra* was demolished under the orders of the former municipal committee ;
- (c) whether it is a fact that Muhammad Latif lodged an appeal in the court of the Deputy Commissioner against the demolition of the said *chabutra* but it was dismissed ;
- (d) whether it is a fact that a new *chabutra* has since been built at the same place without the sanction of the municipal committee ;
- (e) whether it is a fact that the municipal committee has not taken any notice of this ;
- (f) if the answer to (e) above be in the affirmative what action the Government proposes to take in the matter ; if not, why not ?

The Honourable Dr. Sir Gokul Chand Narang : (a) (b) and (c).
Yes.

(d) Yes.

(e) The Committee passed a resolution on 26th February, 1984, for instituting a civil suit but the suit has not yet been instituted.

(f) The Committee is being asked to expedite its action.

SHORT NOTICE QUESTIONS AND ANSWERS.

ECONOMIC MOVEMENT AND PICKETTING.

Diwan Bahadur Raja Narendra Nath : Will the Honourable Finance Member be pleased to state whether Government is aware that picketting in pursuance of the economic movement has been going on more vigorously in Delhi Gate Bazar than in other bazars and that some Hindu shop-keepers have closed their business and left the locality? If so, what police arrangements have been made against such picketting?

The Honourable Mr. D. J. Boyd : Government are not aware that there has been more vigorous picketting in the Delhi Gate Bazar than in some other bazars, but probably picketting there has attracted more notice. The Hindu shop-keepers of the Delhi Gate Bazar depend almost entirely on Muslim customers, so the 'Buy Muslim' movement has naturally affected their trade and a few have accordingly closed their shops and left the bazar. There are extra constables drawn from both communities posted on beat duty in the Delhi Gate Bazar area all day and night and an extra Hindu head constable has been posted there with the idea that all reported cases of picketting may be investigated jointly by one Hindu and one Muhammadan head constable under the supervision of the City Inspector and the Assistant Superintendent of Police in charge of the city, both of whom are giving this area their particular attention.

Diwan Bahadur Raja Narendra Nath : Have there been any prosecutions and if so what has been the result of the prosecutions?

The Honourable Mr. D. J. Boyd : I am afraid I must ask for notice.

Chaudhri Allah Dad Khan : How many members of the various communities are doing picketting in the various bazars?

The Honourable Mr. D. J. Boyd : I want notice again.

Chaudhri Allah Dad Khan : Which is the locality in which there is a preponderance of Hindu shops?

The Honourable Mr. D. J. Boyd : Reference in the question is to the Delhi Gate Bazar where the Hindu shop-keepers depend almost entirely on Muslim customers.

Mr. Muhammad Din Malak : Is it a fact that there has been and continues to be picketting on the part of the Hindus also?

The Honourable Mr. D. J. Boyd : I believe there has been some activity among the Hindus also.

Shaikh Muhammad Sadiq : Has any question been put by the Raja Sahib in that connection also ?

Diwan Bahadur Raja Narendra Nath : Delhi Gate Bazar is the bazar in which I own property and I have Muhammadan tenants. I know more about the Delhi Gate Bazar than about other bazars and that is why I selected it.

Mr. Muhammad Din Malak : How many Muslims, Hindus and Sikhs have been convicted in connection with picketting ?

The Honourable Mr. D. J. Boyd : I require notice of that.

NOTIFIED AREA COMMITTEE, MANDI BAHU-UD-DIN.

Diwan Bahadur Raja Narendra Nath : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether any application was made by the residents of Mandi Baha-ud-Din for raising the *mandi* to the status of municipality if so, with what effect ;
- (b) how the *mandis* of Phularwan, Palwal, and Khanewal which have been made municipalities compare with Mandi Baha-ud-Din in respect of population and the taxes paid ;
- (c) if any one of the 3 *mandis* mentioned in (b) compare unfavourably with that of Baha-ud-Din in respect of population and taxes paid and if Government has refused to make Mandi Baha-ud-Din a municipality, what are the grounds of discrimination?

The Honourable Dr. Sir Gokul Chand Narang : (a) Yes ; the views of the local officers are being ascertained.

(b) A statement giving the required information is laid on the table.

(c) Does not arise, as the matter is still under consideration.

Statement.

Municipality.	Population.	Total taxes.
Phularwan	2,991	9,734
Palwal	10,807	24,952
Khanewal	11,205	47,591
Notified Area Committee, Mandi Baha-ud-Din.	3,668	9,000

UNSTARRED QUESTIONS AND ANSWERS.

VOTERS' LIST FOR PROVINCIAL LEGISLATIVE ASSEMBLY.

1325. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether it is proposed to prepare a revised voters' list for the Provincial Legislative Assembly ; if so, when ?

The Honourable Nawab Muzaffar Khan : Yes. By the 1st December, 1935.

SHAHID GANJ DISTURBANCE.

1326. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state—

- (a) the number of British military soldiers that were sent for in connection with the Shahidganj disturbance ;
- (b) for how many days they were kept on duty at Lahore ;
- (c) the number of police that were arranged to be brought from outside the province ?

The Honourable Mr. D. J. Boyd : (a) and (b) The following British troops were brought into Lahore, in addition to those normally in the station in the hot season :—

One Company, 1st/The Dorsetshire Regiment (from Sialkot)	From the 8th July to the 16th July, and again from the 19th July to the 1st August.
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Headquarter Wing and two companies 2nd/The Royal Scots (from Dagshai).	One Company arrived in Lahore on the 16th July, followed by the other Company and Head-quarter Wing on the 23rd July. These detachments were retained in Lahore till the 13th August.
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- (c) Six gazetted officers, 9 upper subordinates and 402 lower ranks.

SUICIDES.

1327. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state—

- (a) the number of suicides that were committed in the Panjab during the year 1934-35 ;
- (b) how many of them were proved to be connected with unemployment ?

The Honourable Mr. D. J. Boyd : The Honourable Member is referred to the final reply given to Council Question *4486¹ asked by Chandhri Muhammad Abdul Rahman Khan, a copy of which is enclosed. Statistics for the year 1935 are not yet available.

TOY MAKING.

1328. Mr. E. Mayadas : Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) what progress has been made with the toy making department ;
- (b) when Government-made toys are likely to be placed in the market ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Despite advertisements, no suitable designer has been found. The workshop staff has consequently been set to work to produce dies for copying imported patterns and every trade teacher in his spare periods is assisting the die sinker in producing the requisite dies.

- (b) Good saleable toys not before the end of 1935-36.

CHRISTIANS IN EDUCATION DEPARTMENT.

1329. Mr. E. Mayadas : Will the Honourable Minister for Education be prepared to lay a statement on the table showing names of Indian Christians and those of the districts where they are serving as district inspectors of schools, assistant district inspectors of schools and headmasters in Government institutions ?

The Honourable Malik Sir Firoz Khan Noon : The honourable member is referred to the departmental lists, copies of which are placed in the Council library.

EYE AND EAR TEST FOR LORRY DRIVERS.

1330. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state whether it is a fact that drivers of motor lorries for hire are not subjected to an eye and ear test ; if not, why not ?

The Honourable Nawab Muzaffar Khan : Every applicant for a licence to drive a public motor vehicle is required to furnish a certificate showing that he has undergone an examination by a registered medical practitioner in regard to his fitness to drive, and the medical officer furnishing the certificate is required to report *inter alia* on the applicant's sight and hearing.

POLICE CONSTABLES WHO HAVE PASSED MATRICULATION EXAMINATION.

1331. Mr. E. Mayadas : Will the Honourable Finance Member be pleased to state—

- (a) whether there are any police constables who have passed their matriculation examination ;
- (b) if so, what is their number ?

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

(b) 1,220.

CRIMINAL SETTLEMENT, KASSOWAL.

1332. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) whether it is a fact that the Criminal Settlement at Kassowal has been taken over by Government ;
- (b) if so, since when ;
- (c) the number of employees in this settlement at the time when Government took it over ;
- (d) whether Government has taken over all of its employees ;
- (e) if not, how many have been taken over and how many have not been employed by Government ;
- (f) the length of service of those who have not been taken over ;
- (g) the community to which the employees that have not been so employed belong ?

The Honourable Nawab Muzaffar Khan : (a) and (b) The settlement was until recently under the control of a religious society. Since August last that control has been withdrawn in pursuance of the policy to release from control all those criminal tribesmen who have earned their liberty by continuous good conduct.

(c) Seven.

(d) No.

(e) Five teachers who were in the service of Government have been retained, while a superintendent and an assistant superintendent who were in the service of the society have reverted to the society's employ.

(f) About four years and nine years, respectively.

(g) Christians.

CONFIRMATION OF PATWARIS.

1333. Mr. E. Mayadas : Will the Honourable Revenue Member be pleased to state—

- (a) how long it ordinarily takes a patwari candidate to be confirmed ;
- (b) whether the Government is considering the question of shortening this period ; if not, why not ?

The Honourable Nawab Muzaffar Khan : (a) Patwari candidates have to wait for a long time before getting a permanent appointment.

(b) The matter is under consideration.

SERVICE APPEALS.

1334. Maulvi Mazhar Ali Azhar : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that in the case of the Civil Secretariat establishment the punishing authority is the Chief Secretary, and the first and last appellate authority is His Excellency the Governor ;
- (b) the other Government services and posts in the cases of which His Excellency the Governor is the first and last court of appeal ;
- (c) the method for hearing service appeals by the Governor ; whether they are heard in person ;
- (d) whether it is a fact that appeals in the cases of the Civil Secretariat establishment are noted upon by the Chief Secretary and the Assistant Secretary ;
- (e) whether he is aware that in the cases of at least two appellate authorities, that is the High Court and the Financial Commissioners, service appeals are heard in person and appellants are generally even permitted to be represented by counsels ;
- (f) how many service appeals were preferred to His Excellency the Governor during the last three years and how many of them were successful ;
- (g) the reasons for the diverse procedure in different departments of Government ;
- (h) what Government proposes to do in the matter ?

Mr. F. H. Puckle (Chief Secretary) : (a) The honourable member is referred to Rules 11 and 12 and Appendix B of the Punjab Civil Secretariat Service Rules¹, 1930, a copy of which is laid on the table.

(b) All Provincial Services as well as the Service of Sub-Engineers in the Irrigation Department and the Punjab Fisheries Subordinate Service (gazetted posts).

(c) and (d) In cases of appeals by members of the Services which are addressed to the Governor in his personal capacity, the procedure prescribed generally is that the noting on the appeals should be confined to the elucidation of facts necessary to make the points at issue clear, and Secretaries, through whom such appeals pass, are required to refrain from recording any expression of opinion whether favourable or unfavourable to the appellant unless the appeal raises new points not previously discussed. This procedure is observed in cases relating to the Civil Secretariat establishment. Appeals to His Excellency the Governor are not heard in person.

(e) and (g) Government has no information on the point. There is nothing in the rules on the subject. It is entirely within the discretion of the appellate authority to adopt the procedure considered appropriate.

(f) Government do not consider that it is in the public interest to collect information of the kind required by the honourable member.

(h) Nothing.

¹Placed in the Library.

DISMISSALS IN CIVIL SECRETARIAT.

1335. Maulvi Mazhar Ali Azhar: Will the Honourable Finance Member be pleased to state—

- (a) the number of officials of the Civil Secretariat who have been dismissed, removed or compulsorily retired during the last three years, stating the offence in each case ;
- (b) whether it is a fact that two of them have been dismissed only recently ;
- (c) the offence or offences with which they were charged, who made the inquiry into those charges and who ordered their dismissal ;
- (d) whether it is a fact that the said officials were under the direct control of the Assistant Secretary ;
- (e) what amount was misappropriated in each case and what amount has been spent by Government and the officials in question on the fees of the counsel ;
- (f) whether the dismissals have been notified to all Heads of Departments without waiting for the result of the appeals ; if so, why ;
- (g) whether this procedure has been ever followed, say during the last six years ; if so, in which cases ; the authority for this notification ;
- (h) whether Government previously engaged a prosecuting counsel in a case against the member of a subordinate service, say during the last twelve years ; if so, in which cases ; if not, why counsel was engaged in these cases and at such a great expense ;
- (i) who selected the counsel—the Assistant Secretary or the Legal Remembrancer ;
- (j) whether the appeals are to be noted upon by the Assistant Secretary and the Chief Secretary, without giving any opportunity to the appellants to rebut their remarks ;
- (k) what Government proposes to do in the matter in the interest of public justice ?

Mr. F. H. Puckle (Chief Secretary):—(a) The information is as follows :—

Dismissals	..	..	3	(i) and (ii). Dishonesty in money matters and acceptance of illegal gratifications.
				(iii). Dishonesty in money matters coupled with a false declaration.
Removals	..	..	3	Inefficiency and misconduct.
Compulsory retirements	..	..	Nil.	

(b) Yes.

[Mr. F. H. Puckle.]

(c) Dishonesty in money transactions and acceptance of illegal gratifications. The enquiry was held by a senior officer of the Punjab Civil Service (Executive Branch) who found the persons guilty. They were dismissed by the Chief Secretary.

(d) Yes. The entire ministerial establishment is under the immediate control of the Assistant Secretary.

(e) There was no misappropriation of Government money. The charge of dishonesty dealt with specific instances in which one of the dismissed persons was found to have overcharged Government in local purchases made for the office. In one transaction the payee's receipt had been forged. The other dismissed official falsified certain accounts with which he was entrusted.

Rs. 434 was incurred by Government on counsel's fees. It is not known what sums were paid by the dismissed clerks to defence counsel.

(f) Yes. There are no orders to the contrary.

(g) Yes. The honourable member is referred to rule 3 (g) and the notes appended thereto of the Punjab Subordinate Services Punishment and Appeal Rule,¹ 1930, in accordance with which particulars of dismissed persons are circulated to other departments and offices as a precaution against their inadvertent re-employment.

(h) Government do not consider that it is in the public interest to collect this information. The honourable member is referred to rule 6 (2) of the Punjab Subordinate Services Punishment and Appeal Rules, 1930, which permits of counsel being engaged for the prosecution of cases which are likely to end in dismissal when this course is considered expedient.

(i) The prosecuting counsel was selected by the Legal Remembrancer.

(j) The honourable member is referred to the reply given to clauses (c) and (d) of his question No. 1334¹ (above).

(k) Nothing.

ASSISTANT SECRETARY, CIVIL SECRETARIAT.

1336. Maulvi Mazhar Ali Azhar : Will the Honourable Finance Member be pleased to state—

(a) whether he is aware (i) that the post of Assistant Secretary in the Irrigation Branch was abolished in, or has been held in abeyance since, 1931, and (ii) that the duties of that post have been since and are being performed by the Registrar at a lower rate of pay ;

(b) whether it is proposed to make similar arrangements in the case of the Civil Secretariat ;

(c) whether it is a fact that some years ago an order was passed by the Executive Council that the Assistant Secretary in the Civil Department should remain at Lahore in charge of the main office and should not proceed to Simla in summer ; if so, why he has been allowed to move to Simla this year at Government expense ;

¹ Placed in the Library.

- (d) whether he is aware that consequent on his move he transferred a major portion of his work to the various superintendents at Lahore by an office order issued by himself ; whether this order was issued with the approval of Government and whether Government will lay a copy of it on the table of the Council ;
- (e) what compensatory allowances Government proposes to give to the various superintendents for performing the extra duties of the Assistant Secretary in the burning heat of Lahore ;
- (f) what cost the Government has been put to in taking the Assistant Secretary to Simla ?

Mr. F. H. Puckle (Chief Secretary) : (a) (i) Yes. (ii) No.

(b) No. For the honourable member's information I might mention that there were formerly two posts of Assistant Secretary in the Civil Secretariat, and that one was brought under reduction in 1931.

(c) Yes, but the order does not preclude the Assistant Secretary from going to Simla with the sanction of Government when this is considered necessary.

(d) This is not so. The work allotted to the Superintendent in Charge of the Lahore Office had the approval of the Chief Secretary. Other Superintendents voluntarily relieved the Superintendent in Charge of petty miscellaneous duties.

(e) None.

(f) The taking of the Assistant Secretary to Simla actually resulted in a saving over previous years' expenditure.

ASSISTANT SECRETARY, CIVIL SECRETARIAT.

1337. Maulvi Mazhar Ali Azhar : Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact (i) that the Chief Secretary is the appointing and punishing authority for the establishment of the numerous branches of the Secretariat and (ii) that all kinds of orders are passed by him in consultation with or on the advice of the Assistant Secretary ;
- (b) whether it is a fact that the Assistant Secretary is a person promoted from the subordinate ranks ;
- (c) the number and description of the cases in which the present Chief Secretary passed orders against the advice of the Assistant Secretary and in favour of the person concerned ;
- (d) whether the Assistant Secretary makes temporary appointments and grants leave to the staff ;
- (e) what Government proposes to do in the matter of hearing the grievances of the Secretariat staff against the Assistant Secretary without any interference on his part ?

Mr. F. H. Puckle (Chief Secretary): (a) (i) The honourable member is referred to rules 4, 11, 12 and Appendix B of the Punjab Civil Secretariat Service Rules, 1930.

(ii) The Assistant Secretary is consulted when his advice is required.

(b) The honourable member is referred to Rule 6 of the Punjab General Services Rules¹, 1930 (a copy of which is laid on the table), which deals with the manner of recruitment to the post of Assistant Secretary. The present Assistant Secretary was promoted from the rank of Superintendent.

(c) Government do not consider that it is in the public interest to collect information of the kind required by the honourable member.

(d) The honourable member is referred to Rule 4 of the Punjab Civil Secretariat Service Rules which deals with the authority empowered to make appointments. Leave is granted to the establishment by the Assistant Secretary. In certain classes of cases he obtains the previous approval of the Chief Secretary.

(e) Government are not aware that any grievance exists. If it does, the appropriate channel for representing the matter to the Chief Secretary would seem to be the Secretariat Service Association to which it is believed that most of the staff in the Civil Secretariat belong.

ELECTRIC INSPECTORATE.

1338. Sardar Arjan Singh : Will the Honourable Revenue Member please state—

- (a) whether it is a fact that out of the four gazetted posts sanctioned for the newly formed Electric Inspectorate, none has been filled by a Sikh;
- (b) whether the fourth gazetted post of Third Assistant to the Electric Inspector is still to be filled; if so, how it is intended to be filled;
- (c) whether there is any Sikh out of the six members of the technical staff of the Inspectorate;
- (d) what steps he proposes to take to ensure that the Sikhs are properly represented on the technical staff;
- (e) the percentage of the Sikhs on the non-gazetted establishment of the newly formed Electric Inspectorate;
- (f) whether it is a fact that an accounts clerk is shortly to be appointed, and whether it is intended to appoint a Sikh to this appointment?

The Honourable Nawab Muzaffar Khan : (a) Yes. But the Inspector's duties were until recently performed jointly with those of Electrical Engineer. The separate post of Electrical Engineer now created has been secured by a Sikh.

(b) The answer to the first part of the question is in the affirmative. The matter of the procedure as regards filling up the vacant post is under consideration.

(c) No.

¹ Placed in the Library.

(d) The claims of qualified Sikhs will be considered along with others.

(e) 10 per cent.

(f) There is no post of "Accounts" clerk vacant in the office of the Electric Inspector. There is, however, a post of "Acts" clerk, applications for which are at present under consideration. Claims of all candidates whether Hindus, Muslims or Sikhs will be duly considered.

THE PUNJAB-STATE-AID-TO-INDUSTRIES BILL.

Mr. President : The Council will now resume discussion clause by clause on the Punjab-State-Aid-to-Industries Bill.

Clause 3.

Mr. M. A. Ghani (Nominated, non-official) : I beg to move—

That in clause 3, sub-clause (1), the following be added after paragraph (g) :—

{(h) One member to be elected by the Punjab Labour Board, Lahore.}

Mr. President : This amendment has been discussed already.

Mr. M. A. Ghani : This is an independent amendment and I have a right to show that the Punjab Labour Board should have one member.

Mr. President : The honourable member may speak but should avoid repetition.

Mr. M. A. Ghani : I might repeat a word but I will not repeat my arguments. The amendment which I moved yesterday was indeed a very moderate one and the amendment which I am moving to-day is still more moderate. Yesterday I wanted two members of Labour Board to represent labour.

I hope that this Council would be pleased to support this amendment at least. In the clause you will be pleased to find that in the constitution of the industrial board there are three members to be elected by three different chambers, and I would like that similar representations may be given to the Punjab Labour Board. The Punjab Labour Board is a central and federated union of trade unions and labour organisations in the Punjab—just as these chambers are the central federated bodies of different capitalistic companies and firms. Perhaps it will not be out of place if I were to put before the House a report of the Registrar of Trade Unions, Punjab, in which it is mentioned that the Punjab Labour Board has got 38 trade unions and labour organisations duly affiliated with it. There are two other central bodies also, but the membership of those bodies is very small. So nobody can deny that the Punjab Labour Board is the biggest central and federated labour organisation in this province. I would therefore most respectfully draw the attention of the House to the necessity of giving one member to this body. It may be said that this board is not properly constituted. I may tell the House for its information that here I have got a copy of the rules and regulations of the Punjab Labour Board, which have been duly registered with the Registrar of Trade Unions. We hold regular meetings of this board and our meetings are regularly held in accordance with these rules. So, it cannot be said that it is not a properly

[Mr. M. A. Ghani.]
 constituted body. This board has been in a way recognised by the Government also. My own nomination to this Council was mostly done on the recommendation of this board. This board has led, for the first time in the history of this province, a big deputation to His Excellency on behalf of the Punjab labour. This board represented the Punjab labour before the Simon Commission, before the Whitley Commission, before the Lothian Committee, before the Hammond Committee and before all other committees or commissions which Government has been constituting and which have been coming to this province. This is the position which this board enjoys amongst the organised labour in this province. I submit that when these three chambers have been given the right of electing one member each on behalf of commerce and industry, there is no reason why the Punjab Labour Board should not be similarly given the right of electing one member to represent labour on this industrial board. Yesterday I dealt sufficiently with the necessity for giving representation to labour on the industrial board. I need not repeat those arguments; but I may, with your permission, say one word. It was stated yesterday that the board was purely an industrial matter for the industrialists; and therefore labour need not be represented on it. Whenever there is the question of labour, industry is always represented. In the International Labour Conference both labour and industry are represented, and my friend Mr. Mukerji has been to Geneva for the International Labour Conference on behalf of the industrialists of this province. Again, whenever any labour committee comes to this province, industry is always represented on it, for instances when the Royal Commission on Labour was constituted, industrialists were represented on that commission. When this is the case, there is no reason why labour should not be represented on industrial matters. Hence it was a very fallacious argument that was advanced yesterday that in industrial matters, labour should not be represented. Again, I would respectfully bring to your notice that it will certainly be a good thing for the Punjab Labour Board to be given one member to represent it on the Industrial Board. The Punjab Labour Board is also interested in the depressed classes. We have got two organisations of the depressed classes affiliated with it. I believe these classes might apply for state-aid being given to tanning industry which is mostly carried on by members of these classes. If there is a representative on this board representing both labour and depressed classes, it would be good to have the views of one representing these classes which carry on the tanning industry. I understood from the speech of the Honourable Minister for Local Self-Government that the state-aid that is proposed in the Bill will not be given to big industrialists, but to small industrialists, and those who carry on cottage industries.

The Honourable Dr. Sir Gokul Chand Narang : I never said that.

Mr. M. A. Ghani : The Honourable Minister says that he did not say that, but I think if a reference were to be made to his speech you will find that he did say so.

The Honourable Dr. Sir Gokul Chand Narang : There was no mention one way or another.

Mr. M. A. Ghani : Then you are not interested in cottage industries and you will not give aid to cottage industries. Any way the loans that will be advanced will be given to all sorts of industries whether cottage or tanning industries or any industry. The money that may be given as state aid I presume will not be a huge sum, it may be Rs. 80,000 or a lakh. It will be in the interests of the Industrial Board if the small industries should be represented. The Punjab Labour Board does represent the small industries. So taking all these factors into consideration, it is just and equitable that one member should be elected by the Punjab Labour Board to represent labour on the Industrial Board. With these words, I respectfully commend this amendment to the vote of the House.

Mr. President : Clause under consideration, amendment, moved—

That in clause 3, sub-clause (1), the following be added after paragraph (g) :—

"(h) One member to be elected by the Punjab Labour Board, Lahore."

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I do not think it necessary to say many words about it. I explained the position yesterday, and I think what I said yesterday should be quite sufficient to rule out this amendment. We cannot give representations so far as labour is concerned to one particular body because that particular body does not represent all labour. There are two kinds of labour, organised labour and unorganised labour, and I think by pressing this amendment, the honourable member, who claims to represent labour, might be doing some harm to labour. The Government may do more than this amendment would secure for them. I do not want to say anything more than this.

Mr. M. A. Ghani : Only one word, Sir, in reply to the learned speech of the Honourable Minister for Local Self-Government. He says that it will do more harm than good to give representation to this single organisation of labour. He also says that Government probably would do more good if the question of the representation of labour is left in the hands of the Government. In this sense, I take it that the Government means the Honourable Minister himself.

The Honourable Dr. Sir Gokul Chand Narang : No.

Mr. M. A. Ghani : So far as the Government is concerned, I may quote one instance. We have been pressing for the representation of labour in certain municipalities. We recommended the name of a big labourite on behalf of the Punjab Labour Board and recommended him to be nominated to the Amritsar Municipal Committee to represent labour.

The Honourable Dr. Sir Gokul Chand Narang : Who was he ?

Mr. M. A. Ghani : What has the Honourable Minister given to us ? One Mr. Sethi, a representative of the Associated Press, who has nothing to do with labour or with any organization of labour. He is not even a member, what to say of his being an office bearer of any trade union or labour organization in this province ? If this is the state of affairs, how can we entrust the question of representation of labour to the present Ministry on the Industrial Board ?

Rai Bahadur Mr. Mukand Lal Puri : Will you define who the labour member ought to be ?

Mr. M. A. Ghani : Hence my submission is that if the Government want to honestly and sincerely give us a representation on this Industrial Board, he should be a nominee of the Punjab Labour Board. Any other member will not be acceptable to us.

The Honourable Dr. Sir Gokul Chand Narang : He has made a reference to the representation of labour on municipal committees. He has probably referred to the representations made on behalf of labour so far as its representation on Lahore Municipal Committee is concerned.

Mr. M. A. Ghani : Amritsar.

The Honourable Dr. Sir Gokul Chand Narang : I am not aware if Mr. Sethi has been nominated as a representative of labour.

Rai Sahib Lala Labh Chand Mehra : But I can say that Mr. Sethi looks after the interests of labour in Amritsar Municipal Committee better than the honourable member now speaking does in this Council.

The Honourable Dr. Sir Gokul Chand Narang : So far as Lahore was concerned, the name suggested was not considered as fit to be nominated as others.

Mr. President : The question is—

That in clause 3, sub-clause (1) the following be added after paragraph (g) :—

“(h) One member to be elected by the Punjab Labour Board, Lahore.”

The motion was lost.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muhamadan, Rural) : I move that—

In clause 3, sub-clause (2), lines 2-3, the words “the Director shall be *ex officio* Secretary of the Board” be omitted and the following words be substituted instead :—

‘and the Secretary to the Board shall be elected from among the members by a method, to be proscribed, and his remuneration shall be fixed, by the rules to be framed by the Local Government in this behalf.’

I need not make a lengthy speech. If both the officials are to be Government officers, then this board will be to all intents and purposes an official board ; and in order to introduce a popular element in it, the post of secretary should be open to be filled from among the members. Probably in that case too the Director may or may not be elected ; and if the board is so inclined as to have a greater popular element in it, there will be a chance for it to have a non-official element. Another reason is that the Director is a very busy man. He has already enough to do and he will not have sufficient time for carrying into effect the functions of the board which are purely advisory. So the result would be that if the Director is appointed as Secretary, there will not be very considerable work done by this board, and a non-official would be more useful. Besides, in such movements a popular element should be introduced as much as possible. I am surprised at the attitude of the Honourable Minister. When he was not a Minister, he urged that on every body non-officials should be represented, but now under the shadow of his present office he is developing a high love for officials. Otherwise he should have himself made a provision for it, and he should have been just and fair to the popular demand, and would have himself suggested that the secretary should be a non-official. But he has not incorporated that provision, and I make this amendment to include a non-official as secretary.

If the president and secretary were both to be officials, the board will not do much as this board will be constituted before the next council comes into existence. Yesterday the Honourable Minister based his arguments on the fact that the next council will have to operate this Bill. But he forgets that this board will be constituted just now. As he said, this Board has been formed in response to the demand of the Council and no time should be lost over it. He said that the next Council will be full of zamindars, but in view of the immediate constitution of the board, these arguments are out of place. The board will remain in existence for three years and during these three years it will have done all that is required of it in this matter and after that it will not have much business to do. All the aid that may have been available or necessary to be given would have been given during these three years and I do not think the Government will spend much money through this board. If the secretary is appointed from among the members possibly remuneration may have to be given in which case a small sum would be enough.

Diwan Bahadur Raja Narendra Nath : How much ?

Chaudhri Allah Dad Khan : I do not want to make an attempt to suggest it. I leave it to the Government to fix it, which can be done by rules. If such a provision is not incorporated the Honourable Minister will not help in appointing a non-official secretary. Yesterday the Honourable Minister gave a bit of his mind when he said

ہر کسے را بہر کارے سا حاند

From this it appears that he will nominate only those who own factories and those who will comply with his wishes and this board will be to all intents and purposes an official board after his liking and will not do anything. So honourable members need not be anxious to pass this Bill.

Mr. President : Just now clause 3, sub-clause (2) is under consideration.

Chaudhri Allah Dad Khan : I ask, how will the Honourable Minister constitute the board? Our recent experience shows that he appointed a select committee on which he got members whom he liked—I do not say that they were not fit to sit on the committee. Government officials have their way in all committees and to obviate the difficulty I suggest that the secretary should be from among the members. It is a provision which the Honourable Minister should accept with good grace for he does not stand to lose by accepting it. He will have his officials and members in the manner he likes but if at least there be a Secretary chosen from among the members there is the possibility of satisfying the popular element. The Honourable Minister may say that he will not be the Minister in charge of the Department when the board comes to be constituted. That, however, is no argument. If he is not there, some one of his brethren will be there. Moreover, before the next Council comes into being this board will have been constituted and will have probably commenced working. With these words I move the motion.

Mr. President : Clause under consideration, amendment moved—

In clause 3, sub-clause (2), lines 2-3, the words "the Director shall be or officer Secretary of the Board" be omitted and the following words be substituted in-
stead :—

'And the Secretary to the board shall be elected from among the members by a method, to be prescribed, and his remuneration shall be fixed, by the rules to be framed by the Local Government in this behalf.'

Mr. M. A. Ghani (Nominated, non-official): I rise to support the amendment moved by the honourable member from Ambala. According to the Bill, the secretary of this board will be the Director of Industries. As it has been remarked already, the Director of Industries is a very busy man. He is the Registrar of Trade Unions. He is the President of the Examining Board for Engineers. He is the President of the Joint Development Board and above all, he is the Director of Industries. He has to administer no less than six Acts. He is in charge of the Factories Department. He is in charge of the Industrial Schools and Industrial Factories of the Government. He is already an overworked official of the Government. It will therefore add to his work if he is also made the Secretary to this board. So far as the question of the representation of the officials is concerned, I think the Honourable Minister for Local Self-Government will be quite sufficient there to represent the official point of view. There is thus no reason why the Director of Industries should be made the secretary of this board.

Then the question has been put to me, what pay I would propose for the secretary, if he is elected from among the members of the board. I do not attach much importance to what salary is fixed, or whether a salary is even fixed or not. Let that secretary be an honorary one. It is not essential that he should be paid. If at all, let him be paid a small allowance. Hence it is very desirable that an elected member should be the Secretary.

With these words I support the amendment.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): A few words only would be necessary to dispose of this amendment. In proposing this amendment the honourable Mover does not know what harm he will be doing to the board. He said addressing me, "What does he lose?" I will not lose anything, but the board will, certainly, the Government will, and the province will, if you place an amateur on this board. The honourable mover is proposing to do away with the knowledge and information that the Director when he is secretary to this board will bring to bear upon every question that comes before the board, while he will also have at his hand the office clerks and all the material relevant to any particular question, which will not be open as a rule to an elected secretary. The amendment on the face of it is so unreasonable and so unwise that I am really surprised that it should have been tabled at all. The Director may be a busy man, certainly he is, but busiest men sometimes have the greatest leisure. And what will take an elected secretary, an amateur, at the best, half a day to hunt up will probably be at the finger's ends of the Director. It will be to the great advantage of the board to have an expert as its secretary who can supply the board information on the spot at a moment's notice. I do not therefore feel justified in accepting this amendment.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural): One or two arguments have been advanced by the Honourable Minister for Local Self-Government. The first was, the expert knowledge of the Director of Industries. It cannot be applicable to the present Director, and even if it is assumed that he has got the expert knowledge then what will be the situation when in future he vacates the office, and a new man is appointed? He will have to spend six or seven

months to hunt up files and get information. Does not the same thing apply to the new secretary to be appointed? The question is whether the present Director is an expert. He has been a layman recruited from the ranks of the Punjab Provincial Civil Service and has had no technical knowledge of industries. If he can pick up the knowledge that he now possesses in one or two years' time there is absolutely no reason why members who will be experts on this board will not elect some one who is an expert in the subject and who can be in a better position than the Director of Industries who was previously a layman.

Then there is another argument. The tendency in all constitutions or institutions is towards democracy and not towards officialdom. There is no reason why this institution which is being constituted for the benefit of the public throughout the province should not be controlled by public men. Therefore the amendment proposed by Chaudhri Allah Dad Khan is not unreasonable, but very sensible and reasonable and I support it.

Chaudhri Allah Dad Khan: The Honourable Minister says that he will not be able to do much in connection with the working of this Bill after its enactment. Does not the Honourable Minister expect that he would form the board during the tenure of his office? What was the mistake then in the statement I made? The Honourable Minister is in the habit of misquoting a member and building up an argument on it to his satisfaction. He said that the amendment was unwise, as if the whole wisdom is centred in the Minister himself. I make to him a present of the well-known English proverb: Where ignorance is bliss it is folly to be wise. I maintain that the Honourable Minister was foolish in calling the amendment as unwise. He may have said that it is not practicable or he may have examined the amendment on its merits. What is there in the amendment that is not wise?

The point advanced by the Honourable Minister was that if any other person than the Director was appointed then all the material which could be had from the office would not be available to such person. Does he mean to say that he will supply the material only to the Director-Secretary? The Minister is there and he knows very well who the secretary is. The secretary is the man who works for the chairman and all the records of the chairman come to the secretary. Look at the Chief Secretary to Government here. He is in the same position. The Secretary is none else than the president himself practically speaking and he acts for the president, he works for him and has access to all the material which the president shall have access to. Does the Honourable Minister mean to say that the elected secretary will not have access to those records to which the Director has access? If this is all the knowledge and experience which can be expected from the Honourable Minister, then, of course, God help us. Does the Minister mean to say that the material will not be supplied to the president even if the Director is the secretary? It of course comes to that and it is a very wild argument. "If this" is ministerial wisdom, then no one can claim such wisdom. More sense and understanding has to be brought to bear on the question.

The next argument was that the elected secretary would be an amateur. The Honourable Minister himself has suggested that among the nominated members there should be one expert at least and therefore there would be at

[Ch. Allah Dad Khan.]

least one expert. How does the Honourable Minister know that the selection of the members would fall on an amateur, how does he presume that the members would be so foolish as to appoint a man as secretary who has absolutely no practical knowledge of industrial problems? Now that he has made very cleverly a provision by which he would bring owners of big factories in the Punjab on to the board, what reason is there to say that they would be amateurs? Does the Honourable Minister mean to say that men like Lala Kedar Nath of Khanna, or Lala Naranjan Das of Kaithal and others are amateurs? Practically speaking, the Director of Industries is a greater amateur. Whatever knowledge he has got he has got from books. He has never worked as a manager of a factory or in any big industrial concern. Let the Honourable Minister contradict my statement that the Director himself is an amateur that way. All that he has done is that he has read certain books. And I too can read so many books, for the matter of that. When the Honourable Minister puts forth his arguments, there may be relevancy in them but certainly not sense. If he will consider the elected secretary an amateur, he is himself one, and the Director is also one amateur.

This Industrial Board is going to be a shilly shally business, it will not do any business. If the Minister for Industries were an industrial expert, I perhaps might not have objected to the Director of Industries being the secretary, but both the Minister and the Director are of the same type. How will the work go on? There should be a provision according to which there should be two, three or four experts on the board.

Then again, it seems to me that the Act is going to benefit the big factory owners and the poor people who run cottage industries will gain nothing by it. I hope the honourable members of the Council will realise that it is no good appointing an official board. Why should the money be spent on an official board? The views of the honourable members from Sheikhpura have great weight. He has been a deputy commissioner and his experience is worth consideration.

The Honourable Minister has stated so often that democracy is in the air, but is this democracy?

The Honourable Dr. Sir Gokul Chand Narang : I have said nothing about democracy.

Chaudhri Allah Dad Khan : You have said this often before. You have said that democracy is in the air, when speaking on the resolution about non-official president for district boards. What is the use of denying it? This Industrial Board should be as much democratic as possible. It should not be official-ridden. The Honourable Minister should be the same brave man as he used to be before he became a Minister. He has now bid good-bye to all those ideas of democracy and popular rights. Is he now safeguarding the popular rights? The honourable members will realise how autocratic he is. Here is the Director who is the Minister's follower. I do not want to call him a henchman and he will do what he is told to do. That is why I said that the board will not do much. What industrial progress can be hoped for industrial enterprise and development?

With these words I commend this motion to the honourable members of this House. If they want to gain anything by this Industrial Board they should vote for the amendment.

The Honourable Dr. Sir Gokul Chand Narang : I do not want to say anything in reply to the answer given by the honourable mover. Perhaps I was wrong in using the word "unwise." I should have perhaps used some other word ! But I did not call him unwise. I only described his amendment as unwise. But now he has given a very good proof of his wisdom and of the wise character of his amendment and I need not say anything to show how far he has been wise. The House has seen plenty of evidence of the wisdom of the amendment and also of the mover, and therefore I would leave the amendment to the House. I must say I am unable to accept it.

Mr. President : The question is —

That the last nine words of sub-clause (2) of clause 3 be omitted.

The motion was lost.

Mr. President : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

Clause 4, 5 and 6.

Mr. President : The question is—

That clauses 4, 5 and 6 stand part of the Bill.

The motion was carried.

Clause 7.

Khan Bahadur Mian Ahmad Yar Khan Daulatana (Muhammadan Landholders) : I beg to move—

That in clause 7, sub-clause (3) the following proviso be added at the end :—

'Provided that no vacancy shall be allowed to remain unfilled for more than six months.'

I hope, that the Honourable Minister will not find it difficult to accept this amendment.

Mr. President : Clause under consideration, amendment moved is—

That in clause 7, sub-clause (3) the following proviso be added at the end :—

'Provided that no vacancy shall be allowed to remain unfilled for more than six months.'

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I accept this amendment.

Mr. President : The question is—

That in clause 7, sub-clause (3) the following proviso be added at the end :—

'Provided that no vacancy shall be allowed to remain unfilled for more than six months.'

The motion was carried.

Mr. President : The question is—

That clause 7 as amended stand part of the Bill.

The motion was carried.

Clause 8.

Rao Bahadur Chaudhri Chhotu Ram (South-East, Rohtak, non-Muhammadan, Rural): I beg to move—

That in clause 8, sub-clause (1) (c) the following be added before the word 'or' at the end :—

' Provided that the member affected shall be given an opportunity of being heard before he is removed. '

I think the amendment that I have proposed is in consonance with similar provisions in other enactments of the legislature. I have a recollection that under the District Boards Act and also under the Municipal Committees Act there is a similar provision for the removal of members in certain eventualities. There the removal is subject to the proviso that before a member is actually removed he should be given an opportunity of being heard. The amendment is so reasonable that I do not think the Honourable Minister will oppose it.

Mr. President : Clause under consideration, amendment moved is—

That in clause 8, sub-clause (1) (c) the following be added before the word 'or' at the end :—

' Provided that the member affected shall be given an opportunity of being heard before he is removed. '

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I fully appreciate the idea lying at the back of this amendment, but unfortunately this amendment has not been properly worded. If it was properly worded I might have accepted it. If the House thinks that the principle underlying this amendment is a sound one and necessary I shall have no objection, but the question is whether the House considers it necessary to give an opportunity to a man for an explanation after he has been convicted, because this amendment only applies to persons who are either convicted of any such offence or are subjected by a criminal court to such order as in the opinion of local Government implies a defect of character which unfits him to continue to be a vice-chairman or member of the board. I do not think, that this amendment is necessary so far as convicted persons are concerned. If a person is convicted of an offence of an ordinary nature Government certainly will not remove him, for instance, if a man is driving a car rashly on the Mall, is held up by the police and is fined Rs. 5 or Rs. 10, certainly that is not a conviction for an offence which implies a defect of character which unfits a man to continue to be a vice-chairman or a member of the board. But if a man is convicted of a more serious offence which implies a defect of character or moral turpitude as cheating or something similar, he will certainly be unfit to continue as a vice-chairman or even as a member of the board. (*An honourable member :* Why not hear him before removing him?) There will be the judgment of the court. He has plenty of opportunity in the court to defend himself. A charge is framed against him; he is given every opportunity to make a statement under the law and produce whatever evidence he can in his defence. If after all that opportunity has been given and he has been allowed to produce evidence he is convicted, what further explanation should he give to Government before his removal, not from his home but only from an office in the Industries board? If Chaudhri Sahib were to think

of it now a little more carefully he will realise that this amendment.—(*An honourable member* : Are political offences also included ?) If there is a political offence which implies a defect of character, then certainly it would be covered, but if there is a political offence which does not imply a defect of character then certainly he would not be liable to be removed. It will be left to the Government to decide whether he has been convicted of an offence of such a character as to render him unfit to serve on the board.

Before I give my final view on this point I should like to hear what other honourable members have got to say. I am sure the House will oblige me by giving me the benefit of their views as to whether in the particular case of conviction of a person in a court of law after following the usual procedure of recording his statement and taking evidence of his witnesses, if that conviction implies a defect of character rendering him unfit to remain as vice-chairman or even as a member of the board, whether even in such a case he should be given another opportunity by the Government to give an explanation why he should not be removed from the board. I would certainly consider the views of honourable members very carefully before I come to a final decision.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : I would like to bring to the notice of the House and the Government that this amendment does not purport in any way to limit the discretion of the local Government. The final decision is always with the local Government. It is left to the Government to decide whether the offence for which a person is convicted, whether political or non-political, constitutes such a defect of character as would necessitate his removal from the board. Therefore if the Government is to give an opportunity to the member to offer an explanation no harm will be done. In fact, it would assist the Government in making up its mind in doubtful cases. After all, the membership of this board is not such a privilege that people would like to stick to it, if they are not wanted and would go out of their way to pester the government with any vexatious representations. If a letter is sent to such a member and an explanation is sought from him in writing, I do not think any harm would be done or any unnecessary time wasted. The amendment is not of such a character as to interfere with the frame of the Act or with the convenience of the officers who have to administer it or with the ultimate decision which the Government may take. Therefore I commend it to the consideration of the Government and ask this Honourable House to accept it.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : The Honourable Minister has laid great stress on the conviction for offence, but there is the second part of the sub-clause which reads—

‘ or is subjected by a criminal court to any such order as in the opinion of the Local Government implies a defect of character.’

The Honourable Dr. Sir Gokul Chand Narang : I read the whole sub-clause myself.

Khan Bahadur Mal k Zaman Mehdi Khan : Yes, but the Honourable Minister did not explain what was meant by the latter portion of the sub-clause.

The Honourable Dr. Sir Gokul Chand Narang : The honourable member is aware of orders that are passed under section 110, Criminal Procedure Code. That order constitutes judicial proceedings.

Khan Bahadur Malik Zaman Mehdi Khan : There seems to be no harm if a man who is convicted of an offence is given an opportunity to explain his conduct before his name is removed from the board. I know of many gentlemen of great respectability who have been guilty of offences in the past and who are now occupying very high positions.

The Honourable Dr. Sir Gokul Chand Narang : The clause says only 'may.' It is not obligatory for Government to remove that gentleman from the board.

Mr. M. A. Ghani (Non-official, nominated): The Honourable Minister said that the gentleman who was convicted must have had ample opportunity to vindicate himself in a court of law. My submission is that the court will examine him only from the point of view of the offence with which he is charged. It will not examine him from the point of view whether he bears a good character to enable him to be a member of the board or not. That question will not be before the court. The argument of the Honourable Minister is therefore quite fallacious in this respect. It is said that the local Government will see whether the offence for which a person is convicted is of such a character that he should not be allowed to be on the board. If so, I do not see any harm will be done if the local Government were to give the member an opportunity to explain his conduct. The local Government will certainly have before it full information by having a written representation or explanation of that member. It is therefore desirable that this amendment be accepted.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I support this amendment inasmuch as it still leaves discretion to the local Government to declare whether a person is of good character or not. Suppose a person is convicted of an offence about which two opinions are possible. In such cases, there would be a necessity for the local Government to come to a decision whether the offence involves moral turpitude or not. It is, therefore, essential that that person should be given an opportunity to explain himself. Nobody would ever dream of doubting the moral turpitude of a thief, a murderer or a dacoit. But in some cases—after all there will be only a few such cases—even if a person is convicted of an offence after his appointment to the board, the minister in charge of this department may even as a matter of common-sense or as a matter of precaution call upon that person to explain certain matters with regard to his conviction. This amendment only makes it obligatory for him to do so. I do not see that any harm will be done by accepting the amendment.

The Honourable Dr. Sir Gokul Chand Narang : I am prepared to accept the amendment in principle, but I am not prepared to accept it as it is worded. If the honourable mover of the amendment would agree I would substitute this language—

Provided that before the Local Government notifies the removal of a member under this sub-section the reason for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in writing.

These words are taken *verbatim* from the Municipal Act to which reference has been made. If this amendment is agreeable to the honourable member, I shall move it in substitution of his amendment.

Rao Bahadur Chaudhri Chhotu Ram : In view of the Honourable Minister's remarks I beg leave to withdraw my amendment.

The amendment was by leave withdrawn.

The Honourable Dr. Sir Gokul Chand Narang : I move—

That in sub-clause (1) (c) of clause 8 the following words be added after the word board:—

Provided that before the Local Government notifies the removal of a member under this sub-section the reason for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in writing.

The motion was carried.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muhamadan, Rural) : I beg to move—

That in clause 8, sub-clause (1) (d) be omitted.

I move this amendment for very good reasons. This provision applies to all sorts of persons mentioned in clause 8, that is, to the Director of Industries, members nominated by Government, members elected by this Council and the members elected by commercial and industrial bodies. The procedure provided in this sub-clause is a queer one. It says that a person shall be removed from the board for not attending four consecutive meetings. (*An honourable member* : The clause reads "without excuse sufficient in the opinion of the Local Government"). I am fully conscious of these words in the sub-clause. If a member absents himself from four consecutive meetings he is asked by the local Government to give an explanation and then sits in judgment over that explanation to see whether the explanation given by him is sufficient reason or not. This means a long procedure for the Government and makes the position of Government rather difficult. Moreover it involves a long time between the member's offering an explanation and the Government's decision thereon. This is really highly undesirable especially when representatives of responsible bodies such as this Council and the commercial bodies are concerned. I have seen similar provisions in other constitutions, but where such provision exists there is always the power to co-opt members subject to the consent of the general body. Thus while the Government is considering the explanation of that member the board may have been allowed to co-opt another member to represent those interests which that particular member represented. But the power of co-option does not exist in the present measure whereas power is given to the local Government to remove a person elected by responsible bodies. For this reason I move my amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 8, sub-clause (1) (d) be omitted.

The Honourable Dr. Sir Gokul Chand Narang : Sir, I am sorry to disappoint the honourable member. But I am afraid I am unable to accept this amendment.

Mr. President : The question is—

That in clause 8, sub-clause (1) (d) be omitted.

The motion was lost.

Mr. President : The question is—

That clause 8 as amended stand part of the Bill.

The motion was carried.

Clause 9.

Chaudhri Allah Dad Khan (Ambala division, North-East, Muham-madan, Rural) : I move—

That in clause 9 the first proviso be omitted.

The effect of this will be that if a man who is elected by the Punjab Legislative Council renders his seat vacant, the next member should be elected and not nominated by Government and this is an amendment which does not require any lengthy speech. Why should the power be given to the Government to nominate? Surely the absence of the member will not render the proceedings of the board illegal and there is no hurry about it and even if it takes one month to fill up the place it does not matter. This Board should be composed of elected element and not of one whom the Government desires. With these words I move the amendment.

Mr. President : Clause under consideration, amendment moved is—

That in clause 9 the first proviso be omitted.

Khan Bahadur Mian Ahmad Yar Khan Daulatana (Muhammadan, Landholders) : I am very grateful to my friend, Chaudhri Allah Dad Khan, for having moved this amendment. I think it would have been a criminal indifference on the part of the members of this Council to have allowed the principle underlying this clause to be passed into Act without moving an amendment. Now, the Council elects several standing committees and also sends some members to the Railway Advisory Committee and if there is any seat that falls vacant it is either filled by the re-election by the Council or a substitute is nominated to it by the representative of the Council, that is yourself, Mr. President, from the same group to which his predecessor belonged. It is really amusing to find that in 1935 an Honourable Minister brings in a Bill in which there is such an irresponsible clause. It means that the power that we have already got is taken away from us instead of new powers being given to us. I think this is a principle which should be resented by all the members of this House and we should not allow the Government to take away any powers that we enjoy at the present moment. At the same time it is very gratifying for me to note that the Honourable Minister has such a great confidence in the future government of this province because he has by these Bills placed such vast powers in the hands of the future governments of this province which he was pleased to call sometime ago as the product of "the cup of poison."

Mr. M. A. Ghani (Nominated, non-official) : This proviso for the omission of which this amendment has been moved provides that where a member elected by this House ceases to be a member of the board, the local Government will be authorised to nominate a member in his place. So far as the question of nomination is concerned, I may quote the dictum of Lord

Lothian that in autonomous governments there is no nomination. As under the new Government of India Act we are going to have an autonomous government, my submission is that the power of nomination should not be given to the local Government or anybody else. I fail to understand why in the place of a member elected by this House the Government should nominate one, and why this very House should not be given an opportunity to elect another member in the place of one who ceases to be a member. Yesterday I wanted to give certain powers to the Government, but the Government refused to have those powers. Now the Government want to have this power of nomination. This is nothing but usurping the rights of this House by the Honourable Minister for Local Self-Government. If we are going to have an autonomous government we should have the right of electing members on all bodies which are to have elected members. I, therefore, most strenuously oppose this proviso and heartily support the amendment.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural) : I had no intention to speak on this Bill because I was one of the members who were on the select committee. But this amendment is so necessary that it should be accepted by the Government. Here election is being replaced by nomination. When once a member has been elected by the Legislative Council and he vacates his seat in any way, then it is provided that his seat be filled up by nomination. It is not reasonable in any way and I therefore strongly support the amendment.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I am afraid the importance of this proviso has not been fully realised or if it has been fully realised, the idea behind it has not been properly appreciated. In order to appreciate this proviso, one should read the body of the clause itself. It says—

“When the place of an appointed or elected member of a Board becomes vacant by his removal, resignation or death, a new member shall be appointed or elected in the manner provided in section 3, and shall hold office so long as the member whose place he fills would have been entitled to hold office, if such vacancy had not occurred :

Provided that if the place of any member elected by the Punjab Legislative Council becomes vacant, the Local Government may nominate another non-official member of the Punjab Legislative Council in his place.”

It has been said that this proviso is undemocratic, that it takes away the right that this Council enjoys at present. With great respect to the honourable mover of this amendment, I would say that the Council does not enjoy this right at present, because no right has yet come into existence. Under this Bill when it becomes law, the Council will be given the right of electing five members as honourable members have seen from clause 3 (d). Now the principle on which the Punjab Council has to elect those five members is the principle of proportionate representation by means of transferable vote. Supposing by that process three Muhammadans have been elected, one Sikh and one Hindu or whatever the number may be and it so happens that the Sikh representative drops out by resignation or he goes to England then there is one vacancy. If you realise that the principle laid down in clause 3 (d) would not be applicable when only one person has to be elected, the whole Council may elect him. The apprehension of the minorities would be that the substitute would be elected as the majority party likes. It was to obviate that possibility of a grievance or of an apprehension that this

[Hon. Mr. Sir Gokul Chand Narang.]

proviso was put in. I appreciate what the honourable member Mian Ahmad Yar Khan Daulatana has said about my confidence in the future government. I am very glad if he has taken this Bill as evidence of my belief in the future government. He is welcome to draw his own conclusions. But certainly, judging from the mentality and psychology of the members of this House and of the public in general, I feel that they would probably have less apprehension if they know that the nomination is in the hands of the local Government and not in the hands of a particular rival party in the Council. Then the question comes in whether the nomination should be made by the President or by the local Government. I have full confidence in our President; but I do not know who the President is going to be in the future. The present President may continue as long as Providence would be pleased to permit him to continue, but even he, I appeal to you on the very basis of democracy for which all the members on this side have shown so much concern, is an individual whereas the local Government will not consist of a single individual. The President, howsoever great and impartial he may be, will be an individual and two are better than one and perhaps five or six would be still better than one. Local Government would not mean only one Minister in charge of Industries. Under the new constitution it would mean

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the whole cabinet, because we hope there would be real joint responsibility and every Minister will act in accordance with the wishes of the cabinet as a whole and not on his own personal responsibility. Even under the present constitution, the local Government does not mean the Minister, as has been very erroneously supposed by many people. People come to me and I am sure they go to my other colleagues saying "you can do this, why do you not do this?" We find it said on the platform and in the Press that the Minister has done this injustice or shown that favour and so on and so forth. They are totally ignorant of the meaning of local Government. Local Government under the present Act does not mean the Minister alone. Under the new Act it would mean the whole cabinet. Therefore, I think that even the honourable President, if he were speaking from the floor of the House, would support me in this that the proviso as framed is better than the suggestion made by the honourable mover of this amendment. In any case, there is no amendment to that effect and I am sure for the reasons that I have given, the House would oppose this motion of deletion made by the honourable mover and would support the clause as it stands. There is one amendment, however, to which I just want to draw the attention of the House and which will be presently placed before this House. I am sure no more explanation is necessary.

Chaudhri Allah Dad Khan : The explanation which the Honourable Minister has given for not accepting this amendment applies with greater force to the Government which will come into existence in the future. He has had a fling at the Muslims who will form a majority in the next Council. Suppose there are 4 Muslims, two Hindus and one Sikh in the board. He says, the Muslims would be in a majority. Does he not know that? The Chief Minister must be a Muslim and if he is so minded the evil would be removed. But the Council after all is a big body consisting of 175 members and I do not think the Council will be unreasonable to exclude the Sikhs.

That will never happen. The Government or the cabinet will be a small body though perhaps one community may be in a majority. If the Honourable Minister is so much afraid of the next Council then he can leave this power with the President and surely he cannot mean that the President, whoever he is, whether Hindu, Muslim or a Sikh, would not have greater regard for the members of this Council in not giving due representation to each community than the Government under the next constitution. He is perhaps labouring under the mistake that the Governor will interfere in such cases. I do not think he will, and his ideas gain no strength from the explanation which he has given and if he is now out to mislead I think he is surely mistaken in saying that the Government will be after all more mindful of the communal interests than this Council.

The Honourable Dr. Sir Gokul Chand Narang : It is useless to protest against the language of this honourable member but I think even he should use more appropriate language.

Chaudhri Allah Dad Khan : I have not used any unparliamentary language or expression. Will he point out even a single word ?

The Honourable Dr. Sir Gokul Chand Narang : You are accusing me of misleading the House.

Chaudhri Allah Dad Khan : It is a parliamentary expression and at least not as bad as atrocious conduct.

Mr. President : I am doubtful whether "Misleading" is an unparliamentary expression ; but as its use is personal, I suggest its withdrawal.

Chaudhri Allah Dad Khan : Then I withdraw it. We must stick to every little power or privilege that we have got. The idea that the representation of a particular community will be disturbed is a far fetched idea. This Council is a responsible body and I can give instances of their respecting the rights of every community. We had to nominate three members to the Railway Advisory Board and as the biggest party we were sure to have all three from our party but in deference to our Sikh friends, the Muslims withdrew their nomination in favour of one candidate and a Sikh was elected. The Council can show much greater sense of propriety than the present Government. In such bodies we should not give this power to the Government and again I appeal to the Honourable Minister to think over this. In municipalities and district boards and Legislative Council whenever a vacancy occurs of an elected member an elected member always substitutes him and not a nominated member. How is it that having been Minister for Local Self-Government and having worked the municipalities for such a long time, he has thrown this principle away ? Why did he not bring this principle in the municipalities ? In the municipality of Beri, to which I drew the attention of the House the other day, there are all Hindus and not a single Muslim and in a vacancy not a single Muslim can be elected. Why did he not introduce that principle there ? Yet he has the hardihood of defending it and casting a slur on the next Council. I should say that the Council under the future constitution will not be as irresponsible as the present Executive Council. The Council will at least recognize its master, the electorate, whereas the Government is almost irresponsible, though I think the next Government will be more responsible. With these words

[Ch. Allah Dad Khan.]

I press this amendment to the notice of the honourable members and if we are jealous of our rights and privileges then we should never leave a right or privilege which has accrued to us whatever evil there may be in it, although I have shown that this evil exists only in the imagination of the Honourable Minister. With these words I commend this amendment to the honourable members of this House.

Mr. President : The amendment moved by the honourable member Chaudhri Allah Dad Khan appears to be out of order. According to clause 3, just passed by the House, the Punjab Legislative Council has to elect its representatives to the Board according to the principle of proportional representation by means of the single transferable vote. But that system can apply only when two or more members are to be elected. Therefore, as pointed out by the Honourable Minister, when only one member has to be elected, how is that system to be applied ?

Pir Akbar Ali : The same principle will apply as provided in sub-clause (d).

Mr. M. A. Ghani : I do appreciate the difficulty which has been pointed out by you, but I think it will be left to the good sense of the House to elect a member of the same group to which the member who has ceased to be a member belonged. Supposing there was a Sikh member and he has ceased to be a member. Then I believe the Council will have the good sense of electing a Sikh member and not a Muslim member. In this way the difficulty can be obviated.

The Honourable Dr. Sir Gokul Chand Narang : I am very grateful to you, Mr. President, for supporting me by pointing out that the amendment is inconsistent with the part of the Bill which the House has already passed. I may just clear the mind of the House as to the point raised by Mian Ahmad Yar Khan. It is not an act of trespass on the rights of this House at all. It is a new right which is being created under this law under certain reservations. This power is not possessed by the House at present, under any law that is in existence. There is no question of principle either which is involved. A special law is being enacted, and under that law a privilege is being extended to the Council which it does not possess either under the Government of India Act which is in force at present or the Act that is to come into force, nor under any other existing Act. That privilege is being extended to the Council and I think the power that is extending this privilege to the Council can also impose some reservations and restrictions on the exercise of that right. If that right has been exercised by the Council once, it is open to the power which gives this right to add a reservation that in case a member elected by the Punjab Legislative Council goes out his place will be filled not by election but by nomination by Government. I do not see any breach of any constitution whatsoever in the proviso. No constitution has been pointed out to me, no provision in any Act has been quoted against which this proviso even to the slightest extent militates. Reference has been made to the procedure for filling vacancies in the Standing Committees of the Council. I would submit that the analogy does not hold good in the present case. The President exercises the power of filling up vacancies on standing committees when the

Council is not sitting because those committees are subsidiary bodies to the Council. There is nothing in our Constitutional Manual giving any power to the President—I speak subject to correction—of nominating members to any committees which are not committees of this House. Standing Committees are all subsidiary committees of this Council exercising powers delegated by the Council to those committees and naturally, when a vacancy occurs on those committees and the Council is not sitting, it must be the President who would nominate a member to fill that vacancy. But this board is a body which is going to be created not to serve under the Council, not to exercise any powers delegated by the Council, not to do any act which is referred to it by the Council, but to tender advice to the Government and it is for the Government under this measure to select the persons from whom to take that advice. It has extended one privilege to this Council, to elect five members, and it has qualified that privilege by the proviso that a casual vacancy will be filled by the Government itself by nomination.

There is another reason also. The Council may not be sitting, it may not be possible for the Council to sit for six months, because there are no regular periods prescribed for the holding of the sessions of the Council. And there may be important business before the board. It should, therefore, be possible for the Government to fill up a casual vacancy of this kind. I am sure you will agree with me that this amendment is entirely out of order and if the honourable mover does not withdraw it you will be pleased to rule it out.

Mr. President : The amendment is clearly out of order and I rule accordingly. The proviso in the Bill will stand.

I have just received notice of an amendment by Chaudhri Riasat Ali proposing that for the words " local Government " in the proviso the word " President " be substituted.

Mr. Nanak Chand Pandit : I object to any such amendments. They are ill drafted, very hastily done and we have no notice of them. Anything might be said against the President in considering the amendment which we do not want to say. I object to the amendment and it should not be permitted.

Mr. President : Objection is taken to the amendment being moved and I uphold the objection.

Mr. J. D. Anderson (Legal Remembrancer) : I beg to move—

That in clause 9 at the end of the first proviso after the words ' in his place ' the following words be added :—

' But the person so nominated shall be subject to retirement at the same time as if he had become a member of the Board on the day on which the member of the Board in whose place he is nominated was last appointed a member of the Board '.

I have not much to say in support of this amendment of which the purpose, I think, is obvious. I cannot myself imagine that any Government would take advantage of the proviso as it was originally drafted, but technically it is possible that a government by nominating for a particular period could deprive the House of its rights of election. It is to give statutory protection to the rights of this House and of the Assembly which will take the place of this House that an amendment in some such form is necessary.

[Mr. J. D. Anderson.]

I should like to say a word or two about the actual drafting of the amendment. I have followed in it section 84 of the Indian Companies Act of 1913. It is a section in that Act which deals with casual vacancies. It is possible that the House might prefer that the actual drafting should follow that of the sentence at the end of the main part of this clause. If so, obviously the change can be made by the drafting committee. I move my amendment.

Mr. President : The question is—

That in clause 9 at the end of the first proviso after the words 'in his place' the following words be added :—

'but the person so nominated shall be subject to retirement at the same time as if he had become a member of the board on the day on which the member of the board in whose place he is nominated was last appointed a member of the board.'

The motion was carried.

Mr. President : The question is—

That clause 9 as amended stand part of the Bill.

The motion was carried.

Clauses 10 to 16.

Mr. President : The question is—

That clauses 10, 11, 12, 13, 14, 15 and 16 stand part of the Bill.

The motion was carried.

Clause 17.

Rao Bahadur Chaudhri Chhotu Ram (South-east Rohtak, non-Muhammadan, Rural) : I beg to move—

That in clause 17, lines 2 to 4 the words 'may *inter alia* include the following' be omitted and in their place the following words be substituted :—

'shall be one or more of the following.'

Mr. President : The honourable member may not move the whole amendment. He may move that the word "may" be deleted.

Rao Bahadur Chaudhri Chhotu Ram : I beg to move—

That in clause 17 the word 'may' between the words 'given' and '*inter alia*' be omitted.

Mr. President : Clause under consideration, amendment moved is—

That in clause 17 the word 'may' between the words 'given' and '*inter alia*' be omitted.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I am afraid I cannot accept this. It will spoil the sentence and also spoil the chances of Government's amendment because it will render the sentence meaningless.

Mr. President : The question is—

That in clause 17 the word 'may' between the words 'given' and '*inter alia*' be omitted.

The motion was lost.

Mr. J. D. Anderson (Legal Remembrancer) : I beg to move—

That in clause 17 the words '*inter alia*' between the words 'may' and 'include' be omitted.

In the select committee when the first proposal was made to insert these words my instinct warned me against them. I was over-ruled. Since then I have thought a good deal about these words and reason has since reinforced instinct. My objection to the words is not so much that they are redundant, but that they are misleading. My objection is this. There are a number of Latin words and expressions which have for all practical purposes become part of the English language. In Acts of a legislature we use such expressions as per centum and per annum and everybody knows what they mean, as they are ordinary expressions in common life. The words *inter alia* are not a term of art in that sense at all. I cannot find them in any legal dictionary to which I have access and I do not know any judgment of any court which has pronounced upon the exact meaning which is to be given to them. I am not sure myself what the exact meaning is. Among the expressions used in the courts I may mention *inter vivos*. The Latin word "*inter*" is commonly used, and I think the legal members of the House will bear me out when I say that the meaning is 'from amongst' or "as between." A transfer *inter vivos* is a transfer from one living person to another living person and that I think is the ordinary meaning of '*inter*.' But the meaning which is sought to be given to '*inter*' here is a different one. It is 'among.' I do not think it can be used in that sense. You can use it specially in that sense. Take any Latin tag, *inter arma silent leges*—when surrounded by arms, the law courts cease to function. But that is a special meaning and I do not think the meaning here is intended to be that. I do not know what meanings the courts would attach to these words. I know at the moment that these words *inter alia* are a rather fashionable form of slang. If you pick up any judgment of a court, you will find the words *inter alia* as commonly used as you find the phrase the plaintiff sued on the footing of a bill or whatever it may be. It happens for the moment to be a phrase commonly used. But merely because a phrase is fashionable is no good reason for including it in an Act. If we are talking Latin, I can quote many expressions for instance, *multa renascentur quae jam cecidere, cadent quae quae nunc sunt in honore vocabula, si volet usus quem penes arbitrium est et jus et norma loquendi.*

I do not know whether I am in order in quoting before the House these Latin words but there is no doubt that their use in an Act of legislature is doubtful. There are many people who do not understand Latin and if you get a sub-judge in a distant part of the province to adjudicate upon the exact meaning of these words he is going to be in grave difficulty. I move the amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 17 the words '*inter alia*' between the words 'may' and 'include' be omitted.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): The reasons given by the Legal Remembrancer are convincing and I think his amendment should be accepted. I, as a member of the select committee, want to point out as to why the words '*inter alia*' were added to section 17. The object of the members of the select committee was that the State aid which is to be given under section 17 should not be confined to the forms of

[R. B. Mr. Mukand Lal Puri.]

State aid which are detailed in section 17 but the State may and should in suitable cases, give aid in other forms not mentioned in the Act. Under the Bill, as proposed originally by the Government, it was also permissible to do so, but some members of the select committee wanted that the words 'inter alia' may be added to emphasise their desire that the State aid was not to be confined only to the forms which are specified in section 17. As a lawyer I am definitely of opinion that the original section as put in by Government or as now proposed, without the words 'inter alia' would mean exactly the same thing. When the word "include" is used to define any particular term, what follows is merely illustrative and not exhaustive. In this case State would be able, if necessary, to give aid in forms other than those mentioned in the section. Therefore, I have no hesitation in commending to the consideration of the House the omission of the words 'inter alia' because they do not at all affect the object of those who wanted to put in the words 'inter alia' which was merely to emphasise what was equally obvious in the language of the Act. We should avoid use of unnecessary words and specially, as pointed out by the Legal Remembrancer, of Latin words.

Mr. President : The question is—

That in clause 17 the words 'inter alia' between the words 'may' and 'include' be omitted.

The motion was carried.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammdan, Rural) : I beg to move—

That in clause 17, sub-clause (e), line 1, the word "gross" be added between the words "minimum" and "return."

The object of this amendment is that the resources of this province should not be committed to State aid in a manner in which the Government will be entirely at the mercy of the management of the industries concerned. Unless we add the word "gross" before the word "return," the management of an industry may so manouvre the whole thing that the minimum return which is to be guaranteed by the Government will never materialise except on the payment of a very large sum by the Government. I shall explain the point a little further. Suppose a return of 4 per cent. is guaranteed by the local Government. The management can easily engage fifty persons where only thirty or forty will do. The management can easily fix salaries on a lavish scale and a man who is worth only Rs. 200 a month may be paid Rs. 300 a month. In that way a huge expenditure may be incurred by the management on their own relations and friends at the cost of the general tax-payers. Therefore, I beg to submit that in order to safeguard the interests of the general tax-payer the word "gross" should be inserted between the words "minimum" and "return."

Mr. President : Clause under consideration, amendment moved—

That in clause 17, sub-clause (e), line 1, the word "gross" be added between the words "minimum" and "return."

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I am afraid I cannot accept the amendment, because it is not apparently quite well considered. It is very difficult to define "gross return" or "gross profits." You may ask

anyone who knows anything about industry to define "gross profits" and he will find it hopeless. "Minimum return" all understand, because that is something definite. It can be reduced to a percentage, it can be reduced to rupees, annas and pies. But what is a gross return? Is the interest to be deducted from this or not? Are the establishment charges to be deducted from it or not? Is depreciation going to be deducted from it or not? Are repairs and replacements to be deducted from the profits or not? Is the bonus or provident funds of the establishment going to be deducted or not? Unless you add a schedule of about two foolscap pages you will not be able to define what the Government would understand or the applicant for State aid would understand by gross return. I am sure a little more reflection would convince the honourable mover of this amendment that it is impracticable, that it is vague, and with due respect to the honourable member, meaningless, because the expression is incapable of being reduced to any definite character whatsoever. I am sure that the honourable member will withdraw the amendment.

Mr. President : The question is—

That in clause 17, sub-clause (e), line 1, the word "gross" be added between the words "minimum" and "return."

The motion was lost.

Mr. President : The question is—

That clause 17 as amended stand part of the Bill.

The motion was carried.

Clause 18.

Rao Bahadur Chaudhri Chhotu Ram (South-east Rohtak, non-Muhammdan, Rural) : I beg to move—

That in clause 18 the following proviso be added at the end :—

Provided that preference shall always be given to an industry which consumes the agricultural or mineral products of the province.

The object of the amendment is manifest. If there are several schemes and the funds at the disposal of Government are limited, then, obviously the local Government will have to make a choice between the claims of various industries. It will have to select a particular industry or a particular number of industries to which State aid can be extended; and it will have to make up its mind as to the one or ones which should be refused this aid. When there is a conflict of claims of this character between an industry which will consume local products, either mineral or agricultural, and others which will depend for their consumption of raw materials on things other than those produced in the province, I think it is only fair that preference should be given to the industry which consumes local products. Therefore I urge that this amendment should be accepted by the Government.

Mr. President : The question is—

That in clause 18 the following proviso be added at the end :—

Provided that preference shall always be given to an industry which consumes the agricultural or mineral products of the province.

The Council divided : Ayes 28, Noes 40.

AYES.

Abdul Ghani, Shaikh.	Muhammad Hassan, Khan Sahib
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Makhdum Shaikh.
Akbar Ali, Pir.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Allah Dad Khan, Chaudhri.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Asadullah Khan Chaudhri.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Buta Singh, Sardar Bahadur Sardar.	Muhammad Sadiq, Shaikh.
Chhotu Ram, Rao Bahadur Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Faqir Hussain Khan, Chaudhri.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ghani, Mr. M. A.	Noor Ahmad Khan, Khan Sahib Mian.
Habib Ullah, Khan Bahadur Sardar.	Nurullah, Mian.
Malak, Mr. Muhammad Din.	Riasat Ali, Khan Sahib Chaudhri.
Mubarak Ali Shah, Sayad.	Roberts, Professor W.
Muhammad Abdul Rahman Khan, Chaudhri.	Shah Nawaz Khan, Nawab Khan.
Muhammad Amin Khan, Khan Bahadur Malik.	Umar Hayat, Chaudhri.
	Zaman Mehdi Khan, Khan Bahadur Malik.

NOES.

Abdul Aziz, Khan Bahadur Mian.	Lekhwati Jain, Shrimati.
Anderson, Mr. J. D.	Macfarlane, Mr. D.
Askwith, Mr. A. V.	Mamraj Singh, Chohan, Kanwar.
Bhagat Ram, Lala.	Mangal Singh Man, Sardar.
Bishan Singh, Sardar.	Manohar Lal, Mr.
Bourne, Mr. F. C.	Mayadas, Mr. E.
Bradford, Mr. W. G.	Mukand Lal Puri, Rai Bahadur Mr.
Chetan Anand, Lala.	Mukerji, Rai Bahadur Mr. P.
Dobson, Mr. B. H.	Muzaffar Khan, The Honourable Nawab.
Fazl Ilahi, Khan Sahib Shaikh.	Narendra Nath, Diwan Bahadur Raja.
Firoz Khan Noon, The Honourable Malik Sir.	Nathwa Singh, Chaudhri.
Gokul Chand Narang, The Honourable Dr. Sir.	Nihal Chand Aggarwal, Lala.
Grindal, Mr. A. D.	Pancham Chand, Thakar.
Gurbachan Singh, Sardar Sahib Sardar.	Pucklé, Mr. F. H.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Pandit, Mr. Nanak Chand.
Jogendra Singh, The Honourable Sardar Sir.	Parkinson, Mr. J. E.
Jyoti Prasad, Lala.	Rahman, Khan Bahadur Dr. K. A.
Kesar Singh, Rai Sahib Chaudhri.	Ramji Das, Lala.
Labh Chand Mehra, Rai Sahib Lala.	Sampuran Singh, Sardar.
	Sewak Ram, Rai Bahadur Lala.
	Sheo Narain Singh, Sardar Bahadur Sardar.

Mr. President : Question is—

5 P. M. That clause 18 stand part of the Bill.

The motion was carried.

Clause 19.

Mr. President : Question is—

That clause 19 stand part of the Bill.

The motion was carried.

Clause 20.

Rao Bahadur Chaudhri Chhotu Ram (South-east Rohtak, non-Muhammdan, Rural) : I move—

In clause 20, line 6, the following words be added between the word "department" and the word "provided" :—
'and to such conditions as the local Government may prescribe by rules made in this behalf'.

The object of this amendment is quite obvious and as this amendment has the effect of giving certain powers to the Government I hope Government will have no objection to have these powers.

Mr. President : Clause under consideration, amendment moved—

In clause 20, line 6, the following words be added between the word "department" and the word "provided" :—

'and to such conditions as the local Government may prescribe by rules made in this behalf'.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : The amendment is unnecessary and I do not think we should add anything which is unnecessary, because the Government is certainly going to frame rules regulating the giving of loans and if the honourable mover had turned to the last clause of the Bill he would have found that under that clause, (clause 46), powers have been given to the Government to frame rules to carry out the objects of this Bills and clause 20 has been specifically referred to there. Even if that had not been referred to, the last sub-clause of clause 46, sub-clause (r) says, "all other matters pertaining to the working of this Act." That would cover this. The amendment is therefore unnecessary.

Rao Bahadur Chaudhri Chhotu Ram : I beg leave to withdraw the amendment.

The amendment was by leave withdrawn.

Mr. F. C. Bourne (Secretary to Government, Electricity, Industries and Labour) : I beg to move—

In clause 20, the proviso be omitted.

This proviso, as the House will observe, has been introduced in the course of the deliberations of the select committee. That select committee, I think, can certainly be accepted as representing the opinion of this House and that select committee introduced this proviso with a view to reinforcing the Act as a fostering agency for industries. Government, however, though

[Mr. F. C. Bourn.]

fully appreciating the importance of those functions in this Act, are at the same time bound to pay equal, if not more attention to their duty to look after the tax-payers' money. This proviso is intended, I may say, to assist the borrower who desires a loan, to encourage him come to Government for money. But to what extent are Government in a position to offer that encouragement? Is it right that we should usurp the place of the ordinary banking corporations? Take the present position, as the clause now reads. The last loan was raised by the Government in 1933. The rate of interest on that loan was 4 per cent. In no case, therefore, if this proviso were law, would the Government be in a position to charge interest on any loan at a higher rate than 5 per cent. Is that a fair position for the Government to place themselves in? Loans under this Act are going to be asked for by concerns who will not be able to raise money in the open market, they will be for starting industries which are chancy or dangerous; and Government will be taking a risk which the banks will not. In these circumstances, is it right to tie the Government down to a rate of interest which no bank can afford to give? That is the essence of the reasons on account of which Government cannot accept this proviso. Another point is that the position in a few years time may have changed. Supposing Government took a loan now, they would probably be getting it at $3\frac{1}{2}$ per cent. if not 3 per cent. In five years time can we say that 4 per cent. interest would be an adequate return in all circumstances? The state of the market is constantly changing. Not only that, the circumstances of the individual borrowers will differ enormously. One borrower will be able to give very adequate security. He may be known to be a safe man and Government will be able to give him a loan at a more or less generous rate. But in other cases Government must reserve the right to demand a higher rate of interest, if circumstances demand it. It is not fair, in the opinion of Government, that they should be tied down—not this Government only but all Governments of the future should be tied down to this very low rate of interest. A low rate of interest may be given in some cases. But it is impossible to expect Government never to go beyond this extremely low limit. I therefore move the amendment.

Mr. President : Clause under consideration, amendment moved—

That the proviso to clause 20 be omitted.

Shaikh Muhammad Sadiq (Amritsar City, Muhammdan, Urban) : I am shocked to hear that this very important proviso which was added by the select committee should now be opposed by the Government. I cannot understand the Honourable Minister allowing the Government to have this proviso omitted. This is really the heart and soul of the Bill. If he takes away the proviso, let him take back the rest of the Bill. Otherwise what is the use of it? I cannot understand why when our industries are languishing, when all over the world the Governments are helping their industries by giving cheap loans, our Government should not do the same thing and help our industries. After all, by charging one per cent. more, Government will not be losing anything at all. What is the meaning of saying that Government cannot bind itself? It is not a question of rate payers' money. I challenge my friend, the Honourable Minister for Local Self-Government,

and his Secretary, Mr. Bourne, to say how the rate payers will lose anything? Suppose Government borrows at 4 per cent., we say let them not charge from the industries more than 5 per cent. How does the Government lose anything in this transaction? Now they are coming forward as champions not of our industries but of the foreign banks. Now, what is the position? People go and borrow at 9, 12 and 15 per cent., whereas the Punjab Government can borrow at 3 per cent. and give it at 4 per cent. and encourage industries. I am surprised to hear the Honourable Minister acceding to the request of the Government. He must have threatened the Government that he would withdraw the Bill without that proviso which is most important. He should not allow such an important item in the whole Bill to be taken away in such a manner. Now, Sir, what do we find? In a country like England they are spending millions of pounds on industries. In Germany, France and America they are doing the same. They are waging wars spending millions of pounds and shedding their blood for the sake of trade. In fact you find all countries fighting with one another for nothing but trade. Here we find that our own Government are not content to take a profit of one per cent. which is after all a big sum. Government will take security from people who borrow money. Their property is there as security and if Government borrows at 4 per cent. they can charge 5 per cent.

So, I must respectfully urge the house not to allow this proviso to be omitted, because if you omit this proviso the next Government may charge 8, 9 or 10 per cent. and they might start a money-lending business. It will be no encouragement to industry and I ask the leader of my own party not to look only up to the nose and see how this will affect his own zamindars. Hundreds of thousands of zamindars will be employed in industries. Take this point that because money-lenders charge too much from the zamindars, therefore the industrialists should be made to pay the same rate and cheap money should not be provided to them. My answer will be that in any new Act which my honourable friend may bring when he is a Minister, the Government will say that loans should be given on 4 per cent more. The object of this Bill is to give cheap money to everybody whether zamindars or industrialists and this demand of the industrialists that they should have cheap money will strengthen the hands of the agriculturists, because they will see that the industrialists cannot make two ends meet by 4 per cent. rate. Surely there is no reason why agriculturists pay 12 per cent. The result would be the starting of mortgage banks which will give cheap money to agriculturists. I cannot see any cogent reason given by my friends over there. They had much better take away the whole of the Bill than allow this proviso to be withdrawn. I therefore most strongly urge that this proviso should be allowed to remain, and if the leader of my party thinks that agriculture should be treated in the same way we can bring forward a Bill in which the Government can see that an agriculturist can borrow money at the same rate at which an industrialist can borrow. We are ready to see to that but it is no use cutting the nose to spite the face. Let the Government start mortgage banks and give cheap money to agriculturists. Let this principle be understood and acted upon. We should not make industries of this province suffer because Government wants to help certain banks.

Rao Bahadur Chaudhri Chhotu Ram (South-east Rohtak, non-Muhammadian, Rural): I am afraid I must oppose what has been suggested by the honourable member who represents Amritsar. I extend my whole-hearted support to the amendment which has been proposed by Mr. Bourne. I think it would be inconsistent with an amendment which is standing in my name lower down the list and which also stands later on in the name of one of the official members, that the rate of interest chargeable shall be the same as the rate on taccavi loans for the time being. If this proviso is allowed to stand then the result may be a contradiction in the rates of interest charged on loans given for agricultural purposes and the rate of interest charged on loans to industry. I think there ought to be one uniform rule for helping agriculturists and industrialists. There is absolutely no reason why the rate of interest which is charged on taccavi loans should not be chargeable on loans made to industrialists. What is intended is that there should be no invidious distinction as regards the rate of interest charged from agriculturists and from industrialists. Let there be one uniform rule for the rate of interest on loans to everybody. If the rate for industries is lower I have no objection, but it should not be lowered to a larger extent than the rate of interest chargeable to agriculturists. The whole object is to make the rate uniform for agriculture as well as industry.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): The object of this measure was to foster, if possible, certain industries in this province and this object is attempted to be achieved by laying down the forms in which the State may give aid to industries. The most important form in which the State proposes to give the aid is by giving loans. There are various other forms in which the State could give loans, in fact there are other forms which are expressly laid down in similar enactments of other provinces, but which unfortunately have been omitted from the present Bill. Therefore the most important method in which aid would be given is by means of loans. I do not for a moment accept the argument advanced from the official benches that the rate of interest in the case of industrial loans should be determined by the amount of security offered and should vary from loan to loan. If the security offered was very doubtful, I would not advise the State to advance the loan even at 8 or 9 per cent. The desirability of fostering or encouraging a particular industry is to be determined in the first instance, and then a reasonable prospect of its success is to be demonstrated and ascertained, and when it has been demonstrated by experiments or experts that this is in the interest of the province that a particular industry should be encouraged, it is then only that the question of State aid comes in. It was pointed out by the Honourable Minister for Local Self-Government in the select committee that it will not in ordinary circumstances be necessary to draw upon the coffers of the Government for any aid which may be given to any industry, and it will be possible to float loans for this purpose. Therefore the Government should have enough money to meet its incidental expenses by charging one per cent. more than the rate it pays either to the Government of India or to those from whom it has raised the loan. I, therefore, submit that the clause which is proposed to be omitted is the cardinal and basic feature of the Bill, that if industry is to be helped by a loan it should be helped by a loan at a reasonable rate of interest. I repeat again that the Government would be very ill-advised in

advancing loans to any industry whose prospects of success are very doubtful. Once the Government has decided that an industry is to be encouraged, the Government should help it on reasonable terms. The difficulty of the matter is that whenever any proposals for helping industries of this province are made, in spite of the big professions to the contrary that industries should be developed, our agriculturist members raise all kinds of obstacles. I, for one, would not grudge the grant of loans to agriculturists to meet their requirements on as liberal terms as possible by the floating of mortgage banks. Security of the money should be assured. Of course normal risks there always are and these will have to be taken by any Government which is undertaking the responsibility of encouraging industries. If assistance is to be given there is no justification for not lending money at one per cent. above what the Government itself is paying on its loans. The Government is certainly not going to transform itself into a banking corporation. Therefore I respectfully submit that if advance of loan is to be one of the forms in which the State aid is to be given, the advances should be provided for at a rate which does not cause any loss to the Government and which gives substantial help to the industry.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : It has been hinted at that representatives of agriculture do not generally support any proposal brought forward before the Council for the fostering of industries. In this connection it may be borne in mind that agriculture is the greatest industry in this province and there seems to be no reason why any preferential treatment should be meted out to these new industries. If zamindars are asked and compelled to pay 7 or 8 per cent. for taccavi loans and in connection with co-operative loans, there seems to be no reason why the same treatment should not be meted out to these industries. Rai Bahadur Mr. Mukand Lal Puri has stated that it is a question of security, but he probably does not know that in the case of taccavi loans to zamindars the heaviest and the strictest security that can be demanded is demanded from the zamindar. His moveable and immovable property, his cattle and everything is practically taken as a security. We do not grudge this low rate of interest to industry but we should add a proviso that unless a similar rate is charged from the zamindar in connection with taccavi loans or co-operative loans we cannot agree to these lower rates. I, therefore, support this amendment moved by the Government members.

The Honourable Mr. D. J. Boyd (Finance Member) : I should explain that this amendment has been made to a great extent at the instance of the Finance Department because mainly of the risk which Mr. Mukand Lal Puri appears to think is non-existent. In the case of taccavi loans which are given at the rate of 1 per cent. above the rate at which we can borrow from the Government of India we have the security of land which is something very definite indeed and which, if the Government cares to pursue it to the utmost, is absolute security. In the case of industrial loans if Government confines itself to advances to enterprises which are absolutely secure then you might as well wipe out this Bill. If Government is not going to take any risk you might wipe out this Bill. If an industry is so secure that there is no fear of the loss of the advance which may be made to it, then surely you will get persons all over the country tumbling over each other to take up

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

the shares and they will get as much as they want. In order to encourage industries, Government must take risks and advance loans to industries that they think have a chance of succeeding, but the success of which cannot possibly be foreseen. It is for that reason that the Finance Department considered that a margin of 1 per cent. above such rate at which the local Government borrowed was insufficient, and as I have explained, in the case of taccavi loans, we have very definite security. It is true that we sometime wipe out what is due to us on taccavi loans. Practically we do wipe out certain amounts but that is purely a matter of grace, and not because we have taken undue risks. In the case of industrial loans, I think the element of risk must be always in existence and for that reason I think the provision contained in that proviso is not satisfactory.

Mr. President : The question is—

That the proviso to clause 20 be omitted.

The motion was carried.

Mr. President : The question is—

That clause 20 as amended stand part of the Bill.

The motion was carried.

Clauses 21 to 30.

Mr. President : The question is—

That clauses 21 to 30 stand part of the Bill.

The motion was carried.

Clause 31.

Rao Bahadur Chaudhri Chhotu Ram : I move—

In clause 31, after sub-clause (b) the following be added as sub-clause (c) and the existing sub-clauses (c), (d) and (e) be re-numbered as (d), (e) and (f):—

‘(c) That overhead charges shall not exceed such proportion of the paid up capital as may be prescribed by the local Government.’

I am not an industrialist and I cannot lay claim to any expert knowledge of the subject. But when conversations were going on last year at Simla with the members of the British Cotton Delegation I happened to read a book in which the tactics employed by factory owners in order to spend very huge sums as overhead charges, with the object of concealing their total profits, were given. A Bengali expert of great repute has written a very large book covering about 500 or 600 pages, in which that expert has taken exception to the huge overhead charges which were put forward by industrialists in order to be able to claim protection. Therefore, I desire to place the Government on their guard against these overhead charges being inflated. It will be in the interest of the province, it will be in the interests of the finances of the province, that a definite proportion of capital should be fixed for overhead charges. Unless that limit is fixed God knows how much Government may have to pay to these industries. With these words I move the amendment.

Mr. President : Clause under consideration, amendment moved—

In clause 31, after sub-clause (b), the following be added as sub-clause (c) and the existing sub-clauses (c), (d) and (e) be re-numbered as (d), (e) and (f):—

‘(c) That overhead charges shall not exceed such proportion of the paid up capital as may be prescribed by the local Government.’

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I am afraid, again, that this amendment cannot be accepted by me. The sentiment lying behind the amendment is certainly praiseworthy and I appreciate it. But unfortunately the amendment is impracticable. It is impossible to fix overhead expenses in relation to the paid up capital. In the first place, in case an industrialist wants to cheat Government, he can raise the capital and can also raise the overhead expenses. He will deceive the Government in two ways instead of one. Because, then he will get four or five per cent. on a larger capital and will also have raised his overhead expenses. So that, by this amendment you will be encouraging a fraudulent industrialist who has borrowed from Government or to whom a guarantee has been given, to commit fraud. While, if the provision is left as it is, Government before it gives aid to any party will consider the *pros* and *cons* of the proposition laid before it. And if the Government suspects that the men who are applying to it for aid are not such as should be trusted, the Government or the Minister, whoever he may be, or the Director will show them the door and no aid would be given. It presupposes that the Government would be wide awake, that the Government would act honestly, that it would act carefully with all circumspection, and having once done that it would face the risk which is implied in giving aid for the development of industry. And that risk is not an unnatural or an unusual one. It must be faced. I have often impressed the importance of this on all those interested in the matter that no industry can be developed unless both the people and Government are prepared to take risks. If you give a guarantee, say at 4 per cent. on Rs. 10 lakhs and that industry does not earn anything you have to give Rs. 40,000 a year on the paid up capital of Rs. 10 lakhs. The guarantee is for five years. In five years you give Rs. 2 lakhs. That is the worst imaginable case where the industry in which people who presumably understood business have sunk Rs. 10 lakhs and in five years it has yielded nothing, so that Government has had to give 4 per cent. on the paid up capital every year for five years and it has thus lost Rs. 2 lakhs. I say, let the Government lose Rs. 2 lakhs and sit quietly over it because other people will have lost Rs. 10 lakhs. Unless the Government is prepared to share a part of the losses and to run the risk which other people with their hard earned money are prepared to undertake there can be no development of industries. The proposition implied in this amendment as I have said is not practicable. Otherwise I would have had no hesitation in accepting it. It is impossible to make it definite unless you hedge it round with various other more detailed safeguards and provisions and provisos. As it is, I am afraid, I cannot commend it to the House. (*An honourable member*: How do you define, overhead charges)? That is the difficulty. That is why I say the amendment is vague, it is impracticable. If you define overhead charges it must cover a very large space. What would be an overhead charge? Would telephone be an overhead charge? Will electricity be an overhead charge? Will, again, as I said while speaking on another amendment, the provident fund or the pension fund of the establishment be an overhead charge? Will depreciation or renewal fund or any sort of sinking fund be considered an overhead charge? You cannot exhaust the list. And where is the book to which you can go for a definition of the term? I do not pretend to know much myself but I have not come across any text-

[Hon. Dr. Sir Gokul Chand Narang.]

book in which overhead charges have been defined with any amount of accuracy. I have seen many balance sheets of many companies. But their items are different, their headings are different and it is impossible to say what are really genuine overhead charges which would appeal to the honourable mover. The amendment is thus vague, indefinite and incapable of being reduced to any amount of definiteness and cannot therefore be commended to the House.

Rao Bahadur Chaudhri Chhotu Ram : I wish to say one word by way of reply. The Honourable Minister says that he does not know much of industries or much of business. I certainly know much less than he knows. But the word overhead charges is very frequently used by industrialists. I think it has some meaning, for this word was not coined by me and has existed in the English language for a long time. (*The Honourable Minister for Local Self-Government* : Yes, a very wide and vague meaning). Very well, still it has some sort of connotation attached to it. Any reasonable items which fall under the head of overhead charges may be regarded as such charges. I am not prepared to accept the explanation given by the Honourable Minister that it is impossible to define this term. You may define it for all practical purposes according as you think best to do. But I refuse to believe that this word has no meaning or that no meaning can be attached to it. If it has no meaning, that is, definite and precise meaning, attached to it, attach to it a meaning which is intelligible to you or the Government. The author to whom I made a reference in my opening speech suggested two remedies. One was that during times of prosperity a definite limit should be fixed to the dividends that may be paid to shareholders and the other remedy suggested by him in order to safeguard against fraud and tricks of industrialists was that a definite maximum limit for overhead charges in reference to paid up capital should be laid down. I think that by drawing the attention of the Government I have done my duty, I have satisfied my conscience, and it is for the Government to consider whether it will or will not act up on the amendment proposed by me.

Mr. President : The question is—

In clause 31, after sub-clause (b) the following be added as sub-clause (c) and the existing sub-clauses (c), (d) and (e) be re-numbered as (d), (e) and (f) :—

“(c) That overhead charges shall not exceed such proportion of the paid up capital as may be prescribed by the local Government.”

The motion was lost.

Rao Bahadur Chaudhri Chhotu Ram (South-east, Rohtak, non-Muhammadan, Rural) : I move—

That in clause 31, sub-clause (c), line 3, the words following the words ‘years’ be omitted.

Mr. President : Clause under consideration, amendment moved—

That in clause 31, sub-clause (c), line 3, the words following the word ‘years’ be omitted.

The Honourable Dr. Sir Gokul Chand Narang : I accept the amendment.

Mr. President : The question is—

That in clause 31, sub-clause (c), line 3, the words following the word 'years' be omitted.

The motion was carried.

Mr. J. D. Anderson (Legal Remembrancer) : Sir, I beg to move—

That in clause 31, sub-clause (e) for the words 'such simple interest not exceeding 2½ per centum per annum as may have been fixed' the following words be substituted :—

'Interest at the rate in force for Taccavi loans on the date of the agreement.'

The motion was carried.

Mr. President : The question is—

That clause 31 as amended stand part of the Bill.

The motion was carried.

Clauses 32 to 47.

Mr. President : The question is—

That clauses 32 to 47 stand part of the Bill.

The motion was carried.

Preamble.

Mr. President : The question is—

That the Preamble be the Preamble of the Bill.

The motion was carried.

Clause 1, sub-clause (1).

Mr. President : The question is :—

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

Mr. President : The members of the drafting Committee will be the Member in charge, the Legal Remembrancer and Pir Akbar Ali. They will submit their report on Thursday, 21st November, 1935.

The Council then adjourned till 2 P.M., on Thursday, 21st November, 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 21st November, 1935.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

Mr. H. D. Bhanot, I.C.S. (Senior Secretary to the Financial Commissioners), was sworn in.

STARRED QUESTIONS AND ANSWERS.

PROVINCIAL VETERINARY SERVICE.

***5165. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the total strength of class II of the Provincial Veterinary Service ;
- (b) whether the rules require that recruitment to this service should be made both by promotion from subordinate staff and by direct enlistment from outside ;
- (c) the percentage fixed, if any, of recruitment by these two methods ;
- (d) how many of the present incumbents belong to each class ;
- (e) if no direct recruitment has been made so far, the reasons for it, when a number of M. R. C. V. S. candidates are available in the market ;
- (f) whether he has any objection to direct enlistment of M. R. C. V. S. men to this service ?

The Honourable Sardar Sir Jogendra Singh : I regret that the answer to this question is not ready.

VETERINARY CIRCLE OFFICES.

***5166. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether there are only three Veterinary Circle Offices with headquarters at—
 - (i) Ferozepore, for Lahore and Jullundur divisions,
 - (ii) Rawalpindi, for Rawalpindi and Multan divisions, and
 - (iii) Ambala, for Ambala division ;

although a separate officer of class I service is sanctioned for each revenue division ;

[R. B. Mr. Mukand Lal Puri.]

- (b) the reasons for not having the headquarters of the officers in charge, Multan and Lahore divisions at Multan and Lahore, respectively ;
- (c) the additional cost, both recurring and non-recurring, involved in the opening of a separate circle office for each revenue division ;
- (d) the number of times the Superintendent-in-charge, Lahore division, with headquarters at Ferozepore, visited Lahore during the year 1934-35, with the total cost of such journeys ?

The Honourable Sardar Sir Jogendra Singh : (a) Yes.

(b) Economy in expenditure.

(c) Recurring Rs. 10,000 per annum and non-recurring Rs. 1,000.

(d) Eighteen times, mostly on his way to other places, in his jurisdiction.

The cost was Rs. 168-8-0.

VETERINARY ASSISTANT SURGEONS.

***5167. Rai Bahadur Mr. Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) the total number of veterinary assistant surgeons in the grade of Rs. 100—10—300 ;
- (b) the number of such veterinary assistant surgeons who were due, but have not been allowed, to cross the efficiency bar, with dates from which they are held up at the bar and reasons for doing so ;
- (c) the criterion, if any, fixed for judging the fitness of veterinary assistant surgeons for crossing the efficiency bar, with details of procedure laid down for the purpose ;
- (d) whether it is intended to prescribe a sort of formal examination in order to allow only successful veterinary assistant surgeons to cross the bar as is done in the case of sub-assistant surgeons in the medical department ?

The Honourable Sardar Sir Jogendra Singh : (a) 45.

(b) Eighteen veterinary assistant surgeons, as detailed below, have been held up at the efficiency bar for their deficiency in professional knowledge:—

- 1 from 9th August 1931,
- 1 from 15th August 1931,
- 1 from 25th April 1932,
- 2 from 8th July 1932,
- 2 from 12th August 1933,
- 1 from 14th August 1933,
- 1 from 1st August 1934,
- 2 from 20th November 1934,
- 5 from 5th August 1935,
- 1 from 14th October 1935,
- 1 from 31st October 1935.

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(c) Each case is dealt with on merits as required by rules and orders.

(d) No.

MUSLIMS IN HYDRO-ELECTRIC DEPARTMENT.

***5168. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) the total number of appointments filled in the Hydro-Electric Department (ranging from line superintendents, local managers, 1st grade and 2nd grade, and executive engineers) during the period from 1st March, 1935 till the present day ;
- (b) the total number of appointments (as referred to under (a) above) filled up by Hindus, Sikhs and Muslims respectively ;
- (c) whether it is a fact that during the period from 1st March, 1935, to 30th September, 1935, some five local managers were appointed and that all of them are non-Muslims ;
- (d) whether any efforts have been made since the paucity of Muslims in the Hydro-Electric Department was brought to his notice to make up their deficiency ?

The Honourable Dr. Sir Gokul Chand Narang : (a) Line Superintendents—8.

Local Managers, Grade II—6.

(b) Hindus—6.

Sikhs—2.

Muslims—6.

(c) No.

(d) Every possible effort is being made.

MR. B. N. CHANNA, LOCAL MANAGER, 1ST GRADE.

***5169. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether he is aware that one Mr. B. N. Channa, Local Manager, 1st grade, has been given long leave in order to obtain some electrical engineering qualifications ;
- (b) the exact technical qualifications of Mr. B. N. Channa at the time of his appointment as local manager, 1st grade ;
- (c) what special qualifications Mr. B. N. Channa had that he was directly appointed a local manager, 1st grade ?

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

(b) and (c) The attention of the honourable member is invited to the answers given to parts (c) and (d) of his question no. *4937¹ and to part (c) of his question no. *4970.²

STIPENDIARY STUDENTS, MACLAGAN ENGINEERING COLLEGE.

***5170. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Agriculture please state the total number of B. class students of the MacLagan Engineering College, during the period from 1925 to 1935, who

¹Volume XXVI, pages 616-17.

²*Ibid*, page 708.

[Ch. Faqir Husain Khan.]

have received the Government or Railway stipends at the rate of Rs. 50—10—90 for their respective full courses at the College ?

The Honourable Sardar Sir Jogendra Singh : 252 " B " Class students of the Maclagan Engineering College received Government or Railway stipends at the rate of Rs. 50—10—90 throughout their full courses at the College during the period 1925 to 1930. " B " class Government students admitted in 1931 and 1932 are being paid stipends at Rs. 35—5—55, and while Railway students admitted this year continue to enjoy small stipends and living allowances, ten necessitous Government students per year admitted after 1932 are eligible for Rs. 20 scholarships.

ADMISSION TO MACLAGAN ENGINEERING COLLEGE.

***5171. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Agriculture please state the total number of Sikhs, Hindus and Muslims admitted each year in the Maclagan Engineering College, during the period from 1925 to 1935 ?

The Honourable Sardar Sir Jogendra Singh : A statement giving the required information is laid on the table.

Statement.

	Sikhs.	Hindus.	Muslims.
1925	12	19	13
1926	13	31	7
1927	7	32	19
1928	11	33	11
1929	11	17	12
1930	8	15	9
1931	12	19	16
1932	10	18	10
1933	8	19	15
1934	15	24	17
1935	9	21	15

STIPENDIARY STUDENTS, MACLAGAN ENGINEERING COLLEGE.

***5172. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Agriculture please state whether it is a fact that each B class student of the Maclagan Engineering College, during the course of five years received Rs. 4,200 for a complete course, and in return paid nothing to the Government ?

The Honourable Sardar Sir Jogendra Singh : It is true as regards the period up to 1930-31, but there was a return of Rs. 300 per student on account of hostel and lighting fees. Since then stipends have been reduced and subsequently abolished and replaced by scholarships which give an expenditure of Rs. 1,200 over a period of five years with a similar deduction on account of hostel and lighting fees.

STIPENDIARY STUDENTS, MACLAGAN ENGINEERING COLLEGE.

***5173. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Agriculture please state the number of non-Muslim students in the Maclagan Engineering College, who benefited each year during the last five years ?

The Honourable Sardar Sir Jogendra Singh : It is assumed that the honourable member wants information regarding scholarships enjoyed by Muslim and non-Muslim ' B ' class students of the Maclagan Engineering College. Scholarships were first granted in 1933 since when 19 Muslims, 19 Hindus, 10 Sikhs and 3 Christians have received them.

STIPENDS IN MACLAGAN ENGINEERING COLLEGE.

***5174. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Agriculture please state—

- (a) the amount spent each year in the Maclagan Engineering College, as stipends for B Class students ;
- (b) the exact material gain which the expenditure of such a vast sum brought to the Government or to the public ?

The Honourable Sardar Sir Jogendra Singh : (a) The following amounts were spent during the past five years on stipends :—

	Rs.
1931-32	87,440
1932-33	74,000
1933-34	75,000
1934-35	57,000
1935-36	33,000

In 1932-33, stipends were abolished and instead 10 scholarships of Rs. 20 per mensem each were sanctioned but it will not be till 1937-38, when all the students on the old rates of pay would have passed out, that expenditure on stipends will cease entirely.

- (b) The exact material gain cannot be estimated.

INDUSTRIAL SCHOOLS.

***5175. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that he contemplates a new scheme of establishing industrial schools in the Punjab ;
- (b) the exact aim of his launching such scheme ;
- (c) the formulæ of benefiting the various communities under his new industrial schools scheme ?

The Honourable Dr. Sir Gokul Chand Narang : (a) No ; existing schools are being reformed.

- (b) More specialised and more efficient training.
- (c) There are no such formulæ. All communities are equally entitled to benefit.

MUSLIMS IN HYDRO-ELECTRIC DEPARTMENT.

***5176. Chaudhri Faqir Husain Khan :** Will the Honourable Minister for Local Self-Government please state whether he is aware of the fact that in spite of the already existing paucity of Muslims in the Hydro-Electric Department the percentage of Muslims in the gazetted posts of the Hydro-Electric Department has been further reduced by recruiting five non-Muslims during the last six or seven months to these ranks ?

The Honourable Dr. Sir Gokul Chand Narang : Since the 1st April 1935, 6 persons have been promoted and one appointed direct to gazetted posts in the Electricity Branch—out of these one is a Muslim and 6 are non-Muslims.

MILITARY ASSISTANT SURGEONS.

***5177. Chaudhri Afzal Haq :** Will the Honourable Minister for Education kindly state—

- (a) whether it is a fact that during the tenure of office as Minister of Education and Public Health of Sir Fazl-i-Husain, the Punjab Government decided to stop further importation of military assistant surgeons into the Civil Medical Department and formulated certain rules to that effect ;
- (b) whether it is a fact that one officer of the military assistant class has recently been imported into the Punjab while five officers of that class are still in the Punjab Medical Service ;
- (c) whether in conformity with the policy of eliminating this class of medical officers from the Provincial Medical Service, Government proposes to take any steps in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) In 1925 it was decided by Government that no officer of the military assistant surgeon class would be transferred to civil employ in the Punjab save at the request of the local Government. Five posts, however, were reserved for officers of this class. This number has recently been reduced to 4. In 1929 it was further decided that the Punjab Government would not, except for very special reasons, import a fresh Indian Medical Department officer from outside the province to fill up a post not reserved for such officers.

(b) Yes. The officer in question was imported to fill a post reserved for I. M. D. officers, as no officer of that class was available from the members employed under the Punjab Government. The officer in question was brought into the province temporarily and will shortly revert.

(c) Does not arise.

PRINCIPAL, MEDICAL SCHOOL, AMRITSAR.

***5178. Chaudhri Afzal Haq :** Will the Honourable Minister for Education kindly state—

- (a) whether the appointment of the Principal, Medical School, Amritsar, is one of those posts which is not reserved for the Indian Medical Service by the Secretary of State for India ;

- (b) how Government intends to fill that post now that it is due to fall vacant ?

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

(b) The procedure laid down in regulation 9 of the regulations embodying orders made by the Secretary of State in Council under rule 12 of the Devolution Rules and published with Government of India notification of 12th October, 1932, will be followed in filling the vacancy.

UNSTARRED QUESTION AND ANSWER.

ECONOMICS AND POLITICAL SCIENCE.

1339. Mr E. Mayadas : (i) Will the Honourable Minister for Education be pleased to lay a statement on the table showing—

- (a) the names of colleges, both recognised and unrecognised, where provision for teaching Economics and Political Science exists—
- (i) in intermediate classes ;
 - (ii) in B. A. Classes ;
- (b) the names of colleges where these subjects were actually taught during the last year, giving the number of students that took up these subjects in each college, treating each subject separately ?
- (ii) Will he be pleased to state—
- (a) whether it is a fact that there is a demand for the teaching of these subjects ;
 - (b) whether it is a fact that these subjects are not taught in any Government college ;
 - (c) if the answer to (ii) (b) be in the affirmative, the reasons for it ;
 - (d) whether Government is now considering the question of teaching these subjects in Government colleges ; if not, why not ?

The Honourable Malik Sir Firoz Khan Noon : I regret that the answer to this question is not ready.

THE PUNJAB SUPPRESSION OF IMMORAL TRAFFIC BILL.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I beg to present the report of the drafting committee on the Punjab Suppression of Immoral Traffic Bill.

The following amendments recommended by the drafting committee were then put from the chair and agreed to by the Council :—

That in clause 2, the words "from time to time" between the words "may" and "by notification" and the words "the province of" between the words, "portion of" and "the Punjab," be omitted.

That in clause 3, the existing sub-clause (b) be inserted as sub-clause (a).

That in clause 3, the existing sub-clause (a) be re-drafted as follows and inserted as sub-clause (b).

[Mr. Nanak Chand Pandit.]

(b) "Brothel" means any place kept or used for prostitution, but when one woman takes a man or men to her own room for illicit intercourse, she shall not be deemed to be keeping or using a brothel.

That in clause 4, sub-clause (1) (b), the words "on conviction" between the words "shall be liable," and the figure and brackets "(i)" should be placed after the figure and brackets "(i)."

That in clause 4, sub-clause 1 (b) (i), the figures "12" and "1,000" be replaced by words.

That in clause 4, sub-clause 1 (b) (ii), the figures "3" and "12" wherever found be replaced by corresponding words.

That in clause 5, the existing proviso be omitted and the following proviso be inserted:—

Provided that no person who by reasons of age or physical or mental infirmity is incapable of supporting himself shall be liable to punishment under this section for living on the earnings of a prostitute.

That in clause 10, sub-clause (3) be omitted and the following sub-clauses be re-numbered accordingly:—

That clause 11 be re-drafted as follows:—

"If a complaint is made to any gazetted police officer of the commission of any offence punishable under section 5, 6, 7, 8 or 9, or if any such offence is committed in the view of any police officer not below the rank of Sub-Inspector specially authorised in writing in this behalf by the Superintendent of Police, such police officer may arrest without a warrant any person accused of the commission of such offence, and shall release such person on bail unless the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if such police officer has reason to suspect that a false name and address have been given.

Provided that the person arrested by the police officer shall be released on bail if his identity is attested by some other person to the satisfaction of such police officer."

That in clause 12, the first two sub-clauses (a) and (b) be re-described as sub-clauses (i) and (ii).

That in clause 12 and in the subsequent clauses wherever the words and figures "sections 5, 6, 7, 8 or 9" are found they should be substituted by the words and figures "section 5, 6, 7, 8 or 9."

That in clause 17, at the end of the proviso in place of the word "introduce" between the words "an opportunity to" and "a motion" the word, "move" be inserted.

Preamble.

That in the preamble the words "province of the" between the words "in the" and "Punjab" be omitted.

That in the preamble there be a fresh paragraph beginning with the words "And whereas" after the word "Punjab."

Title.

That the title of the Bill be "An act for the suppression of immoral traffic in the Punjab."

Mr. Nanak Chand Pandit : I beg to move—

That the Punjab Suppression of Immoral Traffic Bill be passed.

The motion was carried.

THE PUNJAB DEBTORS' PROTECTION BILL.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I present the report of the select committee on the Punjab Debtors' Protection Bill and move—

That the Punjab Debtors' Protection Bill as reported by the select committee be taken into consideration.

In view of the interest which this Bill has excited throughout the province I should request the House to extend its indulgence to me in respect of a speech which may be fairly long. Before I come to any specific provision of the Bill I wish to draw the attention of the House to a few broad considerations which are generally liable to be lost sight of. I shall enumerate them at once as briefly as possible.

The first consideration which we should keep constantly before our minds' eye is that the total population of the Punjab is 23·5 millions out of which 90 per cent. is in debt which means 21,10,000. As against the interests of this overwhelming section of the Punjab population are pitted the interests of just 40,000 money-lenders. Let us not forget that. The main, in fact, the most important question before the House is whether the interests of over 2 crores are to be safeguarded or the interests of this huge number are to be sacrificed for the interests of just 40,000 of *sahukars*. That is the first consideration to which I should earnestly request the House to turn its attention to. (*An honourable member*: Where from is this 90 per cent. taken?) From the book of life. The second consideration to which I request the House to pay heed is that harring the provisions, relating to the registration of money-lenders and to the reduction of limitation, there is nothing in the Bill which did not already exist in principle or which was not recognised in principle by the rules made by Government or by means of judicial decisions. I will just refer to the clauses to make this clear. Clause 2 refers only to definitions and does not require any particular attention. Clause 3 also defines the words "land" and "collector." Clauses 4 and 5 contain matters which were already recognised in practice and all that is sought by means of this Bill is to give statutory form to what already exists. Clauses 6, 7 and 8 relate to matters of procedure and limitation in cases of appeals. Clause 9 relates to the exemption of ancestral property from attachment. This principle was unequivocally recognised by a Full Bench Ruling of the Punjab Chief Court in 1913 which is reported as 4 Punjab Record, 1913. Clause 10 relates to the exemption of standing crops and standing trees from attachment or sale. Now here the exemption which is sought in respect of crop relates only to some crops and the intention even in respect of these crops is not to deprive the decree-holders of agricultural produce but just to protect standing crops from being ruined. Ordinarily what happens is that standing crops are attached and made over to a *sipurdar* who is not personally interested in the standing crops. The decree-holder is not allowed to touch those crops, and the judgment-debtor is not allowed either to tend or to harvest those crops. The result is more or less total loss of the produce. The object of this clause is simply to protect these crops from going to ruin entirely. Even here exceptions have been made in respect of sugarcane and cotton crops for the reason that if a decree-holder were asked to get these crops attached he will have to get an order of attachment in respect of every picking in the case of cotton and in respect of every *bari* (turn) which brings the cultivator his *gur* in the case of sugarcane. Therefore sugarcane and cotton have been exempted from the operation of this clause. The second portion of the clause refers to the exemption of standing fruit trees. There are certain portions of the province where land apart from fruit bearing trees has no value whatsoever and these trees were treated as land until three or four years ago. This sub-clause only seeks to give effect to what

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was recognised by judicial decisions until three or four years ago. The next clause relates to the reduction of the period of limitation to which I have already referred. This is certainly new and whether it will or it will not be an advantage to effect this reduction it is for the House to judge. Clause 12 relates to the burden of proof of consideration. As the Bill has emerged from the select committee it saves the general presumption under the Evidence Act and also the presumption under the Registration Act, and, practically, the transactions in which the burden of proof will be on the creditor are confined to those which take place between a money-lender and an agriculturist. As far as these transactions are concerned, with the exception to which I have already referred, the burden of proof used to be on the money-lender until about 1925 or 1926. The other clauses which follow relate to the registration of money-lenders, which again are new. It will thus appear that this Bill does not contain any provision, with the two exceptions already referred to, which is entirely new.

The third consideration to which I should like to draw the attention of the House is the unexpectedly large measure of support which this Bill has received from various quarters. With your permission, Sir, I should like to give an analysis of the support which this Bill has received. This analysis was prepared by me with the help of a friend and so far as I have been able to check it, it is quite accurate. Four judges of the High Court support the Bill practically in its entirety. Three judges of the High Court appear to favour the application of some provisions of the Bill to the tillers of the soil but think that in the main the provisions of the Bill go too far. One judge of the High Court seems to support the principle of the Bill but regards its provisions as too wide. One judge of the High Court objects to clauses 6 and 7 unless they are to be regarded as matters of policy. The same judge has less objection to clauses 3 and 4 and approves, by implication, the remaining clauses of the Bill. Five judges support the Bill in varying but very substantial degrees, two of them being in their support nearer to the first four than to any of the rest. Twenty-four deputy commissioners have expressed their opinions. Of these as many as thirteen support the Bill. Three are undecided and only eight oppose it. Seventeen small town committees have expressed their opinion. Seven of these are favourable and ten are opposed to the Bill. Only two notified areas have expressed their views about the Bill and both of them are in favour of this legislation. Three cantonment authorities have expressed an opinion and all three favour the measure. Opinions have been expressed by 56 other public bodies including public meetings. Out of these as many as 25 favour the Bill. Twenty-three individuals have expressed their views on the Bill; and thirteen of them support it. Twenty-four district boards have expressed their opinion and all of them favour this Bill.

One feature of the opposition on the part of most officials is that it is chiefly due to their objection on administrative grounds. I do not say that no official has opposed the Bill on its merits; there are some who have opposed it. But the burden of their opposition almost all through has been that if this Bill is enacted into law it will entail a very huge amount of work on deputy commissioners and commissioners, and these officers are not men of leisure. Therefore if we eliminate the portion of the opposition which

proceeds upon administrative grounds, the volume of opposition to the Bill will be very considerably reduced. This is not all. I am very pleasantly surprised by the support which I have received from a quarter from which I have received nothing but consistent opposition so far. Here is a weekly Urdu paper named *Guru Ghanthal* which is issued from Lahore. Its issue of the 9th November makes a reference, a fairly long reference to this measure. I will just read a few sentences from the editorial note which appears in this issue :—

سود کی لعنت سے باشندگان پنجاب کو بچاؤ

” بلاشبہ سود ایک لعنت ہے جس سے کسی ملک کے باشندوں کو بچانا نہایت ضروری ہے۔ جس ملک کے لوگ اس لعنت کے بوجھ تلے دب جاتے ہیں وہ ملک کبھی ترقی نہیں کر سکتا۔

دوسرے صوبوں کے متعلق تو ہم کچھ نہیں کہہ سکتے۔ لیکن پنجاب میں اس وقت چالیس ہزار کے قریب ساہوکار بتائے جاتے ہیں جو سوائے سود پر قرضہ دینے کے اور کچھ نہیں کرتے اور انہوں نے دو کروڑ باشندگان پنجاب کو اپنے چنگل میں پھنسا رکھا ہے۔ یہہ حالت صوبہ پنجاب اور اس کے باشندوں کے لئے نہایت خطرناک ہے اور جب تک اس حالت کو بہتر نہ بنایا جائیگا تب تک اس صوبہ کے غریب لوگوں کی حالت ہرگز اچھی نہ ہوگی اور یہہ تو کسی طرح بھی مناسب نہیں ہے کہ چالیس ہزار سود خور ساہوکاروں کے لئے خواہ وہ ہندو ہوں یا مسلمان دو کروڑ باشندگان پنجاب کو سود اور قرضہ کے نا قابل برداشت بوجھ تلے دبا رکھا جائے۔

Having acknowledged its previous policy of consistent opposition to me the paper proceeds—

لیکن باشندگان پنجاب کو قرضہ اور سود کی لعنت سے نجات دلانے کے لئے وہ پنجاب کونسل میں جو کچھ کر رہے ہیں اس پر نہایت ٹھنڈے دل سے غور کرنے کی ضرورت ہے۔ ہم مانتے ہیں اور تسلیم کرتے ہیں کہ ان کے مجوزہ قانون ساہوکار سے چند ہزار ساہوکاروں کو تکلیف ہوگی۔ مگر یہہ امر بھی یاد رکھنا چاہئے کہ اس سے پنجاب کے دو کروڑ آدمیوں کو فائدہ پہنچے گا۔

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Now the support coming from the quarter which I have disclosed is of a very deep significance. Unless the principle underlying this Bill had been perfectly sound, the paper, owned and managed by a non-agriculturist drawn from a class which follows the profession of money-lending, would not possibly have extended its support to my Bill. Again, it is sometimes suggested that the only section of the Punjab population which favours the present measure consists of agricultural and depressed classes alone. Apart from agricultural classes and depressed classes, it has been suggested very frequently, no other class favours either the specific provisions of the Bill or the principle of the Bill. But I have received innumerable letters from non-agricultural classes which support this Bill. Some of the letters are signed by more than a hundred, others are signed by over a score, and yet others by a dozen people or so. Even to-day I have received a post-card in which I have been asked not to forget that non-agricultural classes are also indebted and that their interests also require as much protection as the interests of agricultural classes. As a matter of fact, the contents of that post-card make a sort of complaint that I have been rather selfish and I have not so framed my Bill as to cover the case of non-agricultural classes also. Another paper, weekly paper again, which is named *Desh Bhagal*, Multan, supports my Bill, and through its columns, many who call themselves non-agriculturist zamindars strongly urge that the benefit of my present Bill should be extended to them also, and like the previous Bill, that is, the Punjab Relief of Indebtedness Bill, this Bill should not be restricted in its application to agriculturists only. Therefore I think I can reasonably claim that my Bill has received an amount of support which certainly surpasses my expectations, and I believe also surpasses the expectations of those who are more or less in an impartial state of mind while to those who are opposed to this measure the amount of support which has been extended to my Bill will be really staggering. In view of the support which I have been able to receive for my measure, I think, I can request the House reasonably to pass the present Bill with such alterations as they think are essential in the interests of debtors or in the interests of honest creditors.

I must also make a reference to the awakening which has taken place among the ignorant masses. The best tribute to this awakening came from Shrimati Lekhwati Jain when she was making a speech in opposition of this Bill. She made a reference that the zamindar members of the House are anxious to push forward a legislation of this character because they fear that unless they gave their support to this Bill, they would have no chance of being elected. This means quite clearly that the masses are fully alive to the need and useful character of this legislation. If this had not been the case Shrimati Lekhwati Jain would have been the last person to make a reference to the feelings which she must have observed for herself and which exist from one corner of the Punjab to the other. This awakening of the masses requires to be carefully noted not only by zamindar members, but also by the representatives of money-lending interests in this House and the official benches. It is sometimes assumed that the masses are sleeping and that they will not be affected this way or that way in their feelings whether a particular legislation is passed or is not passed, whether a particular legislation is opposed or is not opposed by certain interests. I think

the House as a whole should take into consideration the deep feelings which have been stirred throughout in favour of my Bill.

Another consideration to which I may invite the attention of the House is that the present Bill is really a complement to the Bill which was passed by this Council during the Budget Session, that is, the Punjab Relief of Indebtedness Bill.

Diwan Bahadur Raja Narendra Nath : Or stultifying its provisions, as I will show.

Rao Bahadur Chaudhri Chhotu Ram : That is your view, not mine. I can certainly depend upon the good sense of the House to come to a fairer conclusion than has been reached by Raja Narendra Nath. As the member in charge of the Punjab Relief of Indebtedness Bill explained in the House and as I also had the occasion to explain to the House, there were certain clauses inserted in that Bill during the select committee stage in respect of which the Governor-General had not given his previous sanction and in the absence of which previous sanction that Bill could not have been proceeded with. Another reason given by the honourable member in charge was that in respect of these particular clauses the High Court had not had any opportunity of expressing its opinion. Therefore certain clauses which were added to that Bill by the select committee had to be omitted. This Bill supplies the deficiency which the select committee felt about the provisions of the predecessor of the Bill which is now before us. In another way also this Bill may be regarded as a necessary corollary to the Punjab Relief of Indebtedness Act. The judgment debtors, ordinarily speaking, will not be liable to arrest in future. Houses belonging to agriculturists, unless they can be proved to have been unoccupied or to have remained vacant for more than a year, will not be available for the execution of a decree. Therefore decree-holders will naturally concentrate upon the attachment of agricultural land, and unless a fresh law is enacted to give statutory form to the practice which already existed in respect of agricultural land, I am sure that a very large proportion of the agricultural land of this province will be attached and temporarily alienated. The result of this wholesale attachment of land will be that a very large proportion of the population will be thrown out of employment, and it is in the interests of everybody, it is in the interests of debtor classes, it is in the interests of money-lending classes, and it is also in the interests of law and order that no wholesale dispossession of agricultural classes should take place in consequence of attachment of agricultural land. This attachment is bound to be resorted to more and more by decree-holders in future in view of the provisions that have already been passed by this House in the Punjab Relief of Indebtedness Act.

Another factor to which I may be allowed to draw the attention of the House is that the debtor classes form as high a proportion as 90 per cent. of the population of the whole province. The whole economic fabric of the province depends upon the prosperity of these classes. If these classes perish, economically, I think every other section of the population will have ultimately to perish. Therefore it is really no act of obligation to the debtor classes that they should be kept alive and healthy. If the Government exchequer is to be replenished regularly every year, if trading classes have to be enabled to carry on their business profitably, then this huge

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section of the population should be kept not only in existence, but in healthy economic existence. If there is an end to their prosperity they will not be able to contribute what they have been contributing to the provincial revenues so far, and they will not be able to provide the requisite amount of custom to trading classes. Their purchasing power would be so seriously crippled, all the trading classes and all the classes of middlemen will come to grief within a very short time of the economic collapse of this 90 per cent. section of the Punjab population.

Any way we are all on trial in respect of this legislation. Government is on trial because it will have to prove that its sympathy for the poorer classes is genuine and real and deeper than lip sympathy. I do not mean to suggest that the Government has not shown sympathy towards the poorer classes of the population in the past or that it will not show its sympathy even in respect of the present Bill. But I think I ought specifically to draw the attention of the Government to the fact that its attitude towards this legislation will really be a test of the genuineness of its sympathy. If Government is unable to extend its support even to things which have been recognized either as good law or as good custom for the last 50 years, it will be very difficult for Government to contend that it is in real and genuine sympathy with the debtor classes. In the same way I may be allowed to suggest that the Bill will be an acid test of the sympathy of the Hindu Sabha group towards the weaker section of its community. The Hindu Sabha group in this House does not represent only money-lending interests. Money-lenders are no more than 40,000 in this province. Even assuming that the whole lot of these 40,000 are drawn from the ranks of the Hindu community there is another very large section of the population which is Hindu. The total population of Hindus in this province may be put roughly at 70 lakhs. If we exclude ten per cent. of this population as being entirely free from debt, sixty-three lakhs still remain who are indebted. If the members of the Hindu Sabha group in this House prefer to safeguard the interests of forty-thousand people and ignore the interests of sixty-three lakhs who are just as good Hindus as they themselves or money-lenders, are, they cannot possibly claim that they are the real protectors of Hindu interests. That is a warning which I think I might reasonably be allowed to utter in this House. The members of the Hindu Sabha group will have to come out definitely and give proof of their sympathy for either sixty-three lakhs of people or just for forty thousand. If they prefer to side with the forty thousand we will know where we stand, and they will know where they stand, and the debtor classes will know how far their interests are dear to the members of the Hindu Sabha group in this House.

About the Sikhs I need not say very much. The feeling against indebtedness, the feeling in favour of some legislation which will relieve the burden of indebtedness, among Sikhs is very deep and very acute. I think the Sikh members know it quite well. They realise the strength of feeling which lies behind the demand of the people for a really effective lightening of the burden of indebtedness. There was a conference in Toba Tek Singh which was very largely attended. That conference passed a resolution in favour of this Bill unanimously. There was another very largely attended

conference held not many weeks ago at Lyallpur. There again, the conference passed a unanimous resolution in favour of this Bill. There was a third conference held within the last ten days, I believe, in Jullundur. This conference was known as the Doaba conference. This conference passed a resolution which was more drastic than any provision of this Bill or anything which this House is likely to agree to. Therefore, it may be taken for granted that the feeling among Sikhs is very deep in favour of a legislation of the character which this House has at present before it. I am glad to say that so far as the Sikh group in this House is concerned, its attitude as a whole has been very helpful and very sympathetic. I need hardly say anything more with regard to their attitude.

With regard to the members of my own party I need, again, hardly say anything. I do not think there is a single member of my party who is in the least opposed to the provisions of this Bill. The support from this section will thus be whole-hearted and solid.

After these remarks about the general considerations which should be borne in mind by the House as a whole I may also be allowed to say just a few words with regard to the changes which were made by the select committee. The select committee consisted of thirteen members. Out of this thirteen, two were officials and one was a non-agriculturist. The select committee had an overwhelming majority of agriculturists on it. But the agriculturist members did not take advantage of this majority, and agreed to certain changes which they thought were reasonable. In the initial stage the Hindu Sabha group seems to have decided to non-co-operate so far as the proceedings of the select committee were concerned, but their absence was not taken advantage of by us. As a matter of fact, the select committee was very careful to see that the absence of the members of the Hindu Sabha group did not result in anything which was unreasonable. We had a clear majority. (*An honourable member*: The members of the Anjuman-i-Islam take a contrary view). I am not aware of that. When that view comes before the House we shall see how to deal with it. Let someone give expression to the views of the Anjuman-i-Islam. I was submitting that the absence of the Hindu Sabha members from the select committee was not allowed to do any harm to the money-lending interests. As a matter of fact, the select committee showed very considerable deference to the views of those who had decided to absent themselves from the proceedings of the select committee and in spite of a clear majority, agriculturist members agreed to insert many amendments which were suggested by official members, particularly with regard to appeals against the order of the collector when dealing with temporary alienation of land or when removing the name of a money-lender from the register of money-lenders. The amendments made by the select committee have very considerably softened the provisions of the Bill and the Bill comes out in a very much improved form from the point of view of money-lenders. I hope the representatives of the Hindu Sabha group in this House would be able to take a dispassionate and cool view of the measure and will give us the benefit of their suggestions during the course of the debate which is to follow.

Mr. President: Motion moved—

That the Punjab Debtors' Protection Bill as reported by the select committee be taken into consideration.

(*Mr. President called Rai Bahadur Mukand Lal Puri.*)

Diwan Bahadur Raja Narendra Nath : I got up to speak.

Mr. President : The mere fact that the honourable member got up does not entitle him to be called. As there is an amendment in the name of Rai Bahadur Mr. Puri, I have called him to move it.

Rai Bahadur Mr. Mukand Lal Puri : I do not move it.

Diwan Bahadur Raja Narendra Nath (Punjab Land-holders, General): It is my painful duty to oppose the motion. I do it purely from a sense of duty because I am not very optimistic as to the fate with which my opposition will meet. I am grateful to the honourable mover that he wrote to me and gave me an opportunity to serve on the select committee. I replied that I was unable to accept his invitation. I informed all the non-agriculturist members of my party as to the answer which I had given and they agreed with me. My refusal to act on the select committee was not based on any sentiment or emotion or on any spirit of infructuous non-co-operation. No possible amendment of the clauses would make the Bill acceptable to us. I was guided mainly by the opinion of experienced European officers of the Revenue Department, the substance of whose opinion is that the Bill is too drastic, that it is too one-sided, that it comes too soon after the Act that we have just passed about the relief of debtors, and that it upsets rural economy. I do not think that it is necessary for me to explain these points on which I am supported by high revenue officers of experience. But there is one point to which I wish to draw the attention of the House and of the Leader of the House. And that is a point which was not noticed by the revenue officers who were consulted. I say that this Bill, if passed, will stultify the working of the Act that we have just passed about the relief of debtors. The main provision of that Act was the appointment of conciliation boards. I do not see how it will be possible for conciliation boards to work when the decrees which they give, when the agreements which they bring about will, if payment is to be deferred, result in zero. Unless the debtors are prepared to tender cash payment there could be no settlement. The creditors will not be satisfied with a promise to pay hereafter, because the credit of the debtors is absolutely abolished by this Act and all the means of satisfying the decree of a civil court are taken away. It was unnecessary for me to refer to the special provisions or to the clauses of the Bill at this stage. But my honourable friend the mover has made special reference to them and therefore you will excuse me if I make such reference. Clause 10 of the Bill saves all standing trees, all standing crops, except cotton and sugarcane. Very little is left for attachment considering these exemptions with the other exemptions which the agriculturist already enjoys. And then we have clause 5 which provides that sufficient provision is to be made for the maintenance of the family, the family being a very vague term, before anything is attached or anything is taken away from the debtor. With these provisions, if the Bill is passed into law, the decree-holder will find it extremely difficult, if not impossible, to satisfy the decree and will not be satisfied with any agreement which the conciliation board may effect, deferring payment to a future date.

The Act which this Council passed lately and which provides for the appointment of these conciliation boards adopted the policy of other provinces—the Central Provinces, Bengal, Bihar and the United Provinces, and I should think Bombay and Madras though I am not quite certain about the last two. In those provinces the economic problem will not be complicated by a legislation of this kind. In Bhavnagar State itself there was cash payment but the financial condition of the agricultural classes in this province is such that no cash payment is possible. Therefore before long we will have reports from the other provinces that the number of settlements was high, but the report in our province will be that the number of settlements is very small because no creditor will be satisfied with a mere agreement and a mere decree based on that agreement.

3 P.M.

My honourable friend has said something in support of almost every clause and I hope you will excuse me if I offer some criticism on some of the more important clauses. Clause 5 lays down a policy which is in contravention of section 12 of the Tenancy Act and section 62 of the Revenue Act. Under section 12 of the Tenancy Act no account is to be taken as to how much is required for the maintenance of the tenant's family. The first charge is the landlord's rent, I mean the rent which is due to the landlord. Then under section 62 of the Revenue Act the first charge on the land and the landlord's profits is the demand of Government. I am aware of the fact that in this Council a demand has been made that Government revenue should be considerably reduced, that in fixing Government revenue account should be taken of the amount of the produce needed by the landowner for the maintenance of his family, but I do not think that any similar demand has been made in favour of the tenant. The reason is obvious. None of the honourable members who compose the Unionist and the Zamindar Party are actual tillers of the soil. They are as much capitalists as the money-lending classes themselves or the non-agricultural landlords. They are the receivers of rent which amounts to at least as much as is necessary for the expenses of the election to the Council. Then clause 5 is so vague in its phraseology that it would be almost impracticable to work it. It is so much in contrast with the definite legal provisions of section 60 of the Civil Procedure Code. Section 60 of the Civil Procedure Code exempts certain things from attachment, exempts the salaries of those who receive orders of attachment but in providing for these exemptions it is definite and it is quite clear in what it lays down. What is a family? A family may consist of twelve members or it may consist of three members. What is the standard of living to be allowed to the family? Is the head of the family to be allowed the use of a motor car or of a bullock cart? (*Laughter*). My honourable friend is laughing at this remark. Why is it that section 60 of the Civil Procedure Code is so definite in its provisions? Why does not this section lay down that so much of the salary of an official as is required for the maintenance of the family be exempted from attachment? These are very vague provisions.

I will not make a long speech, I never intended to do so, nor am I in the habit of making long speeches, but my friend has alluded to the heavy indebtedness of the Punjab peasant. I met this criticism last time in Simla with the remark that it is because absolutely wrong direction has been taken

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in adopting the policy which is supposed to help the agriculturists. What the agriculturist needs is the curtailment of his expenses and the increase of his income. Nothing of that sort is being attempted. The Punjab peasant has had the curtailment of his credit, yet his indebtedness is heavier than the indebtedness of agriculturists of any part of the country outside the Punjab. Why, because a wrong remedy has so far been attempted and the right remedy has not been applied.

I do not think it necessary to recall the communal composition of the supporters or the opponents of the Bill. The opponents of the Bill may be in a minority. That is quite immaterial. They may belong to the Hindu Sabha and the supporters of the Bill may belong to the Anjuman-i-Islamia. That is quite immaterial and irrelevant to the question before us. The point before us is whether the Bill is a just measure, whether it is a practicable and workable measure, whether it will or will not introduce economic complications which will be very difficult to solve. These are the questions before us and not whether the Bill has the support of so many Hindus, Muhammadans or Sikhs or non-Sikhs. That is not the question before us. My honourable friend the mover in making this reference was I think beside the point and he did not convince me at least.

With these words I resume my seat and I hope that the honourable members of this House will give due consideration to the remarks I offer and I especially expect justice from the official members.

Rai Bahadur Mr. P. Mukerjee (Punjab Chamber of Commerce and Trades Association, Commerce): The other day, when the honourable member for Hoshiarpur was opposing the Criminal Law Amendment Bill and waxing eloquent over the absence of communist activities in this country at that time I thought he was right, but after hearing the honourable member the sponsor of this Bill I have to change my opinion. That such a seasoned politician as the honourable Chaudhri Chhotu Ram should be carried away by communist feelings was a surprise to me. I find that the main theme of his argument is that if two crores of people are inclined in a certain way 40,000 people should submit to their wishes. This Bill as it stands aims at nothing but expropriation. Let the honourable Rao Bahadur Chaudhri Chhotu Ram point out a single clause of this Bill which does not aim at expropriation. The second reason that he gives out is that excepting two clauses, that is, the licensing of money-lenders and the clause of limitation of six years, all the other clauses are present either by a verdict or by the rule of the courts. Why then is he so anxious to have statutory provisions made?

He has analysed the remarks of various public bodies and various persons and has proved to his satisfaction that his Bill has been favoured by the majority. But how much of that majority is unprejudiced, may I ask? I agree with the honourable the sponsor of the Bill that it has come out from the select committee in a much improved condition. I congratulate him and his colleagues on the select committee for bringing out the Bill in a better form, but the substance is there and it remains as unacceptable as it was when he first moved its consideration. I will not try to deal with the Bill

clause by clause to prove the utter uselessness of this Bill, but I would remind him that if this Bill is passed like the others on the same subject that have been passed in this Council the very credit structure of this province will be undermined and if he thinks that he is doing a great service to the agricultural population he is entirely wrong. If the credit structure is lost, neither the agriculturist nor the money-lender nor anybody else will progress and it will set the hands of the clock back to 100 years. My friend the honourable member for Rohtak has made a lot of the opinions that have been expressed in favour of this Bill. I should like him to note what responsible commercial opinion is on the subject, both European and Indian. The all-India organisation of the European body, the Associated Chambers of Commerce dealt with the question of rural indebtedness and passed the following resolution at their annual meeting in December 1934. The resolution reads :—

In view of the all-India importance of relations between debtor and creditor, this Association recommends to the Government of India that a conference of representatives of provincial Governments should be called forthwith to co-ordinate all measures, legislative or otherwise, passed by provincial councils to effect the relief of indebtedness of agricultural population and that in view of its possible repercussion all commercial interests and representatives of Chambers of Commerce should be associated with the conference.

In March 1935 the Federation of the Indian Chambers of Commerce and Industry passed a similar resolution expressing great disquiet and grave concern at the various Bills that have been passed into Act in the different provinces undermining the credit structure of this country. In this connection, I hope you will permit me to quote what His Excellency Sir Malcolm Hailey said in the United Provinces Legislative Council. His Excellency observed :

If in attempting to relieve the indebtedness of one class we undercut the general operation of credit, we may cause mischief, the full extent of which we can none of us foresee.

I hope the Council will bear this in mind and will not accept the proposal of the Honourable Rao Bahadur Chaudhri Chhotu Ram who has moved this motion. I oppose it.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : Most of the provisions of the present Bill had been definitely rejected by the select committee on the Punjab Relief of Indebtedness Bill which was appointed by this Council (*Rao Bahadur Chaudhri Chhotu Ram* : Were they ?) and that in spite of the fact that the mover of this Bill and the other representatives of the debtor classes had a definite majority in the select committee. But seeing that he has had considerable success in the last session of the Council in getting large number of absolutely new provisions included in the last legislation which had been rejected or not considered by the select committee and which had been opposed in the first instance by the Government, the mover of the Bill has brought these further proposals, to repeat his recent triumph. I consider that none of the provisions of the present Bill are such that they can be justified on any grounds of justice or equity or are in any way conducive to the well-being of the province. In this matter I share the opinion of the Commissioner of Multan who was our late Chief Secretary and a member of this House throughout the discussions relating to the Punjab Relief of Indebtedness Bill and who was connected with the various sub-committees which had been previously formed to consider measures connected

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with relief of indebtedness. He says—

I greatly regret that I can find no trace of justice or of sound sense in any of the provisions of the Bill now presented. It would result in a total destruction of agricultural credit and it offers nothing in its place. I can only recommend that this present effort be scrapped *in toto*.

It was my opinion that it is impossible to frame any decent legislation on the lines of the provisions of the present Bill which led me to refuse to serve on the select committee. It was not in any spirit of non-co-operation, as Raja Narendra Nath has already explained that both of us refused to serve on this committee. We felt that the principle of the Bill was so abnoxious, so utterly subversive of all sense of justice that we thought that we could not be of any use on the committee. Our refusal to serve on the committee was not due to the unjust constitution of the committee or to the fact that we were in a minority. I have always held the view that even one person although in a minority can kick sufficiently strong and intelligently, to make his presence felt. The present proposals, however, were of such an expropriatory and revolutionary nature that we could not be in any way a party to them. Further we thought it would be useful to let Chaudhri Chhotu Ram attempt to improve his crude proposals with the help of his Muslim party and one or two members of statutory agricultural tribes alone. But the result is very disappointing. The Bill is in exactly the same form, with one or two worst features, still more intensified. I have only to invite attention to the substitution in the clause relating to ancestral property of the words 'next holder' for the word 'heir'. The obvious intention of this change by the select committee seems to be to extend the provisions of the Bill to cases which were not covered by the original proposals of the Bill. It had been definitely laid down as long ago as 1915, in P. R. 39 of 1915, in a Division Bench Judgment to which Honourable Mian Shah Din himself a member of statutory agricultural tribes, was a party, that ancestral land in the hands of a widow of the deceased was liable for the debts of the deceased. Again, it has been definitely laid down in 12 P. R. 1918, that the land in the hands of a daughter was liable for the debts of the deceased. If the substitution of the words 'next holder' for the word 'heir' is intended to make the land in the hands of such persons as above mentioned also not liable, it extends the provisions of the original clause, and thus intensifies the original proposals. Under the clause as it has emerged out of select committee, the land in the hands of persons, to whom it is not ancestral, has thus been made liable.

Let us look at the main provisions of the Bill as they have emerged out of the select committee, as to what effect they are likely to have on the existing debts and the general credit of the province. Let me for this purpose divide the population of this province into two classes, members of the statutory agricultural tribes and those persons who are not members of the statutory agricultural tribes. With respect to the members of the statutory agricultural tribes, they may also be considered in two sub-divisions, persons who are actual cultivators and persons who are merely landlords. Now, my contention is that the actual cultivator is sufficiently protected by the existing legislation. He is amply protected under section 60 of the Civil Procedure Code and the proviso to section 70 of the Land Revenue Act. Let me read out the exemption which he enjoys under the existing law.

The effect of all these sections is summarised in the Rules and Orders of the High Court and it is as follows. You will find that the actual cultivator of the soil has all the privileges which the present measure proposes to give him. (*Pir Akbra Ali* : Why then do you oppose this measure ?) Because the present measure does not give those privileges to the actual cultivator of the soil only, who already enjoys them, but extends them to the capitalist landlord to whom those privileges are not available at present. You will find that the privileges which the actual cultivator of the soil enjoys at the present moment are as follows :—

“ Reading the provision of the Code with the Revenue Law alluded to, it will be seen that the following moveable property is, in the case of agriculturists paying revenue, exempted from liability to attachment and sale in execution of decree, namely :—

- (a) the necessary wearing apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman (section 60 (1) (a) of the Code);
- (b) implements of husbandry, and such cattle and seed-grain as may, in the opinion of the court, be necessary to enable him to earn his livelihood as an agriculturist, and such portion of agricultural produce or of any class of agricultural produce as may have been declared by the Local Government with the previous sanction of the Governor-General in Council to be free from liability under section 61 (1) (b);
- (c) so much of the produce of the land as the Collector thinks necessary for seed-grain and the subsistence, until the harvest next following, of the judgment debtor, his family and cattle exempted under head (b) (section 70 of the Punjab Land Revenue Act read with section 38 of the Punjab Tenancy Act and section 60 (1) (p) of the Code of Civil Procedure).

Section 60 (1) (c) of the Code further exempts, from attachment and sale, houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him.”

This section has been extended by the last Punjab Relief of Indebtedness Act to include not only one house, but a number of houses provided they are in a village and they are not let out. The word ‘occupied’ has been substituted by ‘not let out on rent.’ In fact, Rao Bahadur Chaudhri Chhotu Ram himself admitted that the houses in villages are now exempt. Thus you will see that with respect to the actual cultivator the Government has already secured to him exemption in all these respects. What benefits the Land Revenue Acts and the Tenancy Acts and section 60 of the Civil Procedure Code confer on the tillers of the soil, the present Bill proposes to confer now on the capitalist landlords. So far as the actual tillers of the soil are concerned they are amply protected and no further measures are necessary for them, and no further protection is being proposed by the Bill. With respect to those members of statutory agricultural tribes who are not the actual tillers of the soil, the position is this: What is the property that a member of the statutory agriculturist owns? The property is usually land. With respect to land there is a provision in the Land Alienation Act that it cannot be sold in execution of a decree and the courts have held that it can be only leased for twenty years. The other property which he owns are houses. Those houses also have now been exempted from attachment by the last legislation of the Council. The other possible property may be some moveables, but moveable property in the form of cash and other forms is so elusive. It can be and is so easily concealed, and is never available for a creditor. The one incentive which had some

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influence to persuade debtors to part with a part of their moveable property was the fear of arrest. Now, it is acknowledged and it has been stated on the floor of the House by Chaudhri Chhotu Ram himself that as far as the agricultural tribes are concerned, the arrest provision has practically been abolished. Therefore the only asset against which the creditor can proceed for realization of his debts from the landlord member of an agricultural tribe is this attachment of land for twenty years. Now, what does the present legislation purport to do? Government has repeatedly declared as its settled policy that in relations between the creditor and the debtor the provisions of the Land Alienation Act will neither be extended to the advantage of the debtor classes nor will they be restricted to the disadvantage of the debtor classes. This assurance was in the first instance given on the floor of this House by Sir Fazl-i-Husain. Later on when the question of the term of lease was discussed in the Council, that is, whether the land of a statutory agricultural tribe could or could not be leased for more than twenty years, this assurance was repeated by Sir Sikander Hyat Khan speaking on behalf of the Government. Now what does the present measure propose to do in this respect? Instead of bringing forward a straight forward proposition, that the period of lease should be reduced to ten years or seven years, a proposition which the Government could not swallow, in the face of its previous declarations, Chaudhri Chhotu Ram has come forward with a proposal that before a land is leased provision should be made for the subsistence of the judgment-debtor and his family. Ordinarily when the decree is to be realised from a lease of the land, the decree-holder gets only a fraction of the amount due to him say four annas in the rupee. Statistics prove that. If you attach a statutory obligation that the income from the land would be available only after providing for the subsistence of the judgment-debtor and his family, in 90 per cent. of the cases no lease of land would be possible, because the landlord's share which is the only one which we are considering now, and which is generally leased is hardly enough to provide the maintenance for the judgment-debtor and his family; and this coupled with the provision to exempt the sale of the standing crops and trees from attachment reduces the security of the creditor against a debtor who is a member of the statutory agricultural tribe to absolute zero. How much land would be required to provide maintenance for an insolvent and his family—the average number in a family, according to economists, is five out of the landlord's share of the land? The person having the average holding in the Punjab would be exempt altogether, while people who own areas twice or thrice as large as the average holding in the Punjab, would also be able to claim exemption of their entire holdings on the ground that they will be barely sufficient for their maintenance. And then kindly remember that you are applying this legislation not only to the future but also to the existing debts which were advanced on the security of twenty years' lease which is now crippled, if not destroyed. It means nothing more nor less than an expropriation in its entirety of the entire debt due from the members of the statutory agricultural tribes. I challenge my learned friend to say whether this provision relating to subsistence is intended and calculated to destroy the security of a lease of twenty years or not and whether in any case the necessary effect of such a provision is not to destroy or curtail this security. Is there any other security left? If that is so, permit me to repeat that this

is simply expropriation and nothing more nor less. I have made bold to say that if these provisions are adopted, the security of the creditor for his present debts against statutory agriculturist debtor is reduced to nothing. This is not only my opinion but the opinion of those officers whose sympathy for the agriculturist is unquestioned and who cannot be expected to be biassed in any way consciously or sub-consciously. The Registrar of Co-operative Societies is of opinion that—

Sub-section (3) of section 3 introduces new matter making it obligatory to exempt from temporary alienation such portion of the agricultural land belonging to an agriculturist judgment-debtor as is sufficient for maintenance of himself and his family. This sub-section, coupled with the provisions contained in sections 4 and 5, still further restricts the resources of creditors in the execution of their decrees against agricultural debtors. Section 60 of the Civil Procedure Code already contains provisions for exempting from attachment certain assets of such debtors; these sections go even further in exempting—

- (1) sufficient land for the maintenance of the debtor and his family (itself an extremely elastic term),
- (2) in the case of debts incurred by a debtor's predecessor in interest, all ancestral land, and
- (3) all standing crops.

Thus with the restrictions recently introduced in the matter of civil arrest, the resources open to the creditors are reduced to *vanishing point*.

I could not put it more emphatically than has been put by a gentleman who is in constant touch with the rural conditions and especially those of members of agricultural tribes and who is also in charge of the credit institution of the Government and who is in a position to give an authoritative opinion. My own opinion is that the facilities for the realisation of debt were reduced to such an extent by the last Act that it is practically impossible even without this new Bill for any creditor to realise his debt from members of agricultural tribes. But the object of the honourable mover is not to be satisfied with what Government has already done for his class. He wants to make it physically impossible for any creditor to even think of realising his debts. He is of opinion that a creditor should not even consider it worth his while to make an attempt. That seems to me to be the only intention of the mover of this Bill. Now, all shrewd men can see that this legislation, although it would wipe off existing debts, would not ultimately help the statutory agriculturist but unfortunately the mentality of a person who is oppressed with an existing liability is to get rid of it at all costs, regardless of its effect on his future or other future consequences. In this connection may I invite the attention of the honourable mover to the opinion of a Muslim Economist, professor of Hailey College of Commerce at Lahore. (*Rao Bahadur Chaudhri Chhotu Ram* : Does he not come from Bombay ?) No, he is a Punjabi, and was the Editor of the Muslim newspaper *Eastern Times* of Lahore, before his appointment as Professor. He says—

There is one big touchstone to test the validity of such Bills, namely, the peasant's credit. By all means give the peasant as much protection as possible but our solicitude for his welfare should be tempered with caution, lest we should drown him in our zeal and ill-judged legislation. Is it not a fact, one may ask, that the peasant, in the existing circumstance, cannot dispense with the services of the money-lender and, if so, will it be advisable to pass a measure which is likely to undermine his capacity as a borrower and render him liable to pay higher interest because of his reduced credit.

Chaudhri Chhotu Ram, however, would let him drown, if he can also kill the creditor, the bitter enemy of the mover. Again he is in total agree-

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 ment with the Registrar of Co-operative Societies—

And if along with exemption of standing crops and trees from attachment rules are also framed to empower the collector to exempt even from temporary alienation practically the whole of the agricultural land on the plea that this will be hardly more than what is necessary for the maintenance of a small agriculturist and his family, then it is difficult to see what impetus will be left for the money-lender to continue his relation with the peasant. The rate of interest is legally fixed, ways are devised to make "tricks" impossible on the part of the money-lender, insolvency procedure is simplified for the peasant and now you want to reduce his assets to almost nothing so far as the creditor is concerned. This, we fear is not business.

Security reduced to nothing with a retrospective effect. He says, this is not business. But who can possibly expect fair play from the sponsors of this legislation? This then is the opinion of two experts as to the result of this legislation so far as the creditor is concerned; he would lose his entire debt because the available security of the creditor is being reduced to vanishing point. As to what the effect would be on the statutory agriculturist himself, I cannot do better than quote the opinion of Rao Bahadur Chaudhri Diwan Chand Saini, himself a member of the statutory agricultural tribe, a leading lawyer of Gurdaspur and last year vice-chairman of the district board. He says—

The Bill, if passed into Act, will affect all debts in existence at the time of the passing of this Act. The provisions of this Bill are designed to bring the chances of the recovery of a debt from a debtor by a creditor to a minimum and to make the business of money-lending extremely difficult, if not impossible..... The Bill, if passed into law, means that a creditor shall not recover his debts in the Punjab which will amount to legalized swindling..... I as an agriculturist, shudder to think of the consequences of this sort of legislation. In plain language it means that the sturdy peasantry of the Punjab which consists of small proprietors will disappear. Within the coming 10 years the best land of the agriculturists will pass into the hands of big moneyed agriculturists of the Punjab. The alienation of Land Act will become a dead letter because the debtor must mortgage or sell his land in the hour of need, because sahukar will not advance him a penny.

I wish to lay great emphasis on this opinion, and ask the House to consider carefully this weighty pronouncement by a leading member of agricultural tribes. One hears a lot about the curtailment of credit as a panacea for the ill of zemindars. I say, this outcry is absolutely bogus, a myth, merely put forward to carry on this "legalised swindling". You cannot restrict the credit of a person unless you restrict it on all sides. Now members of the statutory agricultural tribes enjoy unrestricted credit amongst themselves. A member of a statutory agricultural tribe can sell his land, mortgage his land without restraint with another member of agricultural tribes. Therefore if you entirely destroy his credit with the non-agriculturist in the nature of things he admittedly cannot do without credit and, therefore, he must run to a member of the statutory agricultural tribe in time of his need, and this gentleman will either purchase or get a mortgage of his land before he would accommodate him. The necessary effect will be that the land of the poor agriculturists will change hands at once in hour of need and that for ridiculously low prices. Therefore if you think or if any member on the Government benches thinks that the restriction of credit is a thing desirable in itself, is a remedy for the ills of the agriculturist debtor, he must advocate the restriction of such credit with all classes. To restrict his credit with one class and give him unrestricted credit with another class

is no good, is a mere comouflage. I put it to Rao Bahadur Chaudhri Chhotu Ram if he honestly believes that the credit of the members of the statutory agricultural tribes is restricted by restricting it as against the non-agriculturists only. I am surprised that in the various proposals which have emanated from that source, there is not one which suggests that some restriction might be placed on the power of a member of the statutory agricultural tribe, restricting the alienation of their land by sale or mortgage even in favour of a member of the statutory agricultural tribe. This could be done by inserting a clause in the Land Alienation Act, requiring that the permission of the deputy commissioner should be obtained in every case of alienation by a member of this class whether in favour of agriculturists or non-agriculturist. Why has not such a proposal been brought forward. The absence of such a proposal shows the real intention of the proposers of this measure, which is not to restrict the credit of agriculturists in general but to restrict it with a class, while permitting them to enjoy it with their own class, thus enabling themselves to grab the law of their poorer brethren at cheap prices. I respectfully submit that the effect of this Bill would be that money lending would be carried on more and more by members of agricultural tribes and in future, the number of agriculturist money-lenders which is sufficiently large even at present, will considerably increase. In fact, this will become their monopoly. In the absence of other facilities for credit money lending has to continue and cannot be abolished. The House is familiar with the observations made in the "Punjab Peasant in Prosperity and Debt" by Mr. Darling and similar observations in another treatise by Mr. Calvert, our late Financial Commissioner. It is hardly necessary to repeat oft-quoted observations about the agriculturist and particularly Jat money-lenders and a comparison which is made by both these servants between the money-lender belonging to agricultural tribes and the one drawn from non-agriculturist classes much to the discredit of agriculturist money-lender. Let the House be aware of the danger and take note of it. You are practically throwing the poor and needy members of statutory agricultural tribes into the mouths of wolves which are not anxious to get back the money but hungry for land. There are as I have already stated, the apprehensions of a gentleman of the standing of Rao Bahadur Diwan Chand. Now, these are the probable effects of the provisions of this Bill as far as the statutory agriculturist is concerned.

As to the effect the successive measure of relief have had and are having on the mentality of our agriculturist classes. I cannot do better than quote the opinion expressed by the Honourable Financial Commissioner, the head of the Revenue Department in our province. He says that these successive measures are "having a noticeably bad effect on the will to pay even of a solvent zamindar." The Registrar of Co-operative Societies expresses the same opinion, and says—

One cannot be blind to the fact that as a result of systematic agitation carried on his behalf and of legislation already enacted the attitude of the rural debtor towards his obligations whether incurred before or after the period of depression has changed very much for the worse. He has been encouraged to believe that the demands of the creditors are invariably unjustifiable and that he is justified in putting every obstacle in the way of recovery. This Bill is one more move in the same direction.

Thus the effect of the preceding legislation, so the highly placed official observes, has been to increase dishonesty amongst the propertied zamindar classes.

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So much with respect to the portion of the Bill dealing with the statutory agriculturists. The other provisions of the Bill are calculated to bring about the same situation among the non-agricultural classes also which exists among the agriculturists. Would it not restrict credit altogether if ancestral property in the hands of a Hindu or a Muslim which is usually the only property which he holds in this province is exempted from payment of debts or if realization of debts is made contingent on the continuance of the life of the debtor as the Bill proposes to do? Human life is the most uncertain factor in this universe. Would anybody agree to lend say even Rs. 5,000 to such rich man as Raja Narendra Nath or Rai Bahadur Ram Saran Das or the Minister for Local Self-Government if the payment of debts is contingent on the continuance of thier lives? Again take the section relating to burden of proof? Would it be worth the while of any creditor to lend money if in spite of holding a pronote or a bond in the handwriting of the debtor himself, acknowledging receipt of consideration, he has some years afterwards to produce false witnesses to prove that consideration actually passed? Again the provisions relating to registration of money-lenders would entirely wipe out of existence the casual lender, who, I think all sections of the House would be agreed, is the most respectable and honest creditor in the province and whose money goes to finance the petty trader and artisan and the agriculturists. Assuredly the registration would restrict the number of money-lenders, and thus curtail facilities for credit, not only for agriculture but also for trade. In the absonee of adequate banking facilities, would not these restrictions restrict the credit of non-agriculturists and thus hamper trade? In fact enact all these provisions which the Bill contains and without doubt you sound the death-knell of all credit facilities in the province, whether carried on by private individuals, or by companies or by banks. Chaudhri Chhotu Ram has never concealed his hatred for what he is pleased to call "the urban classes of Hindus and Sikhs" in the province. Of course he has a particularly soft corner for 'the urban classes of Mussalmans' but he has never concealed his hatred for 'the urban Hindus and Sikhs.' He has often boasted of it. I admire him for his outspokenness.

Rao Bahadur Chaudhri Chhotu Ram : You are paying me a compliment which I do not deserve and which I do not try for.

Rai Bahadur Mr. Mukand Lal Puri : Of course the honourable member has always maintained, nay, proclaimed that if a right or a privilege or anything is to be given even though as of right to what he is pleased to call an 'urban Hindu or urban Sikh' he would much rather it were given to a Muslim or a Christian or a European. Such is his hatred of other Hindus, under the influence of his Muslim friends. I ask Rao Bahadur Chaudhri Chhotu Ram to deny if he has not boasted of it openly in the presence of his Muslim friends. (*Interruption*). Therefore, the second object of this legislation is to harm the urban Hindus whom he hates for reasons best known to him and which I have never been able to understand. But I respectfully ask, should this Council consisting of respectable Muslims and respectable Sikhs and respectable non-officials be a party to a vindictive object of that type? This legislation is intended to harm the Hindu creditor.

Rao Bahadur Chaudhri Chhotu Ram : Forty-thousand creditors.

Rai Bahadur Mr. Mukand Lal Puri : I shall deal with that point presently. Do not be impatient. This legislation is intended to harm the Hindu creditor as against the statutory agricultural tribes who as is well known to him and according to the census figures overwhelmingly belong to the Muslim community. His remedy for the Hindu creditors is "No, I know that you cannot realise, the Government at my instance made it practically impossible by the last legislation, the Punjab Relief of Indebtedness Bill; but I shall not permit you to make an attempt even to realise. I know the force of my threats and the mettle of the present Government." So says Chaudhri Chhotu Ram: "Did I not coerce the Government last time against their better judgment to accept in this Council half a dozen clauses which they opposed in the first instance but which they quietly accepted in the end? Let me raise a cloud of dust hoping that some will stick". His object, so far as statutory agricultural tribes are concerned is the total wiping off of their debts and so far as non-agricultural tribes are concerned, his intention is not to help the debtor classes but to sap the very foundation of credit on which the occupations and prosperity of the trading classes or what he calls urban Hindus depends. My opinion in this respect is shared by a large number of persons who have sent their opinions on the Bill. In fact his own speeches in the Council do not have much doubt on this point. The Registrar of Co-operative Societies is of opinion, an opinion which is endorsed by the Honourable the Financial Commissioner also, that "the object of the mover of the Bill appears to be two-fold." I am reading from page 2 of the supplementary book containing opinions:—

- (1) The usual political manoeuvre to place themselves in the position of benefactors of the rural population, thwarted in their objects by the opposition of Government;
- (2) By keeping this Bill hanging over the heads of the creditor's community for as long as possible, to induce them to compound their existing claims on the zamindars on even more lenient terms than they are prepared to do at the present.

Now, I submit, that Rao Bahadur Chaudhri Chhotu Ram in his speech in Council to-day has given complete proof, if any proof were necessary, of the truth of the observations of these two senior officers. He has held out a threat to the Government that if they do not pass this legislation, they will lose credit with the rural classes. He has held out threats to every section of this House. He has warned them. He says 'Remember the number of debtors in the Punjab is far larger than the number of creditors and that the members have in the very near future to go to the polls, and have to canvass these constituencies.'

He has warned the members of this House with dire consequences if they go against the wishes of the vast majority of the debtors of this province, in the interest of money-lenders who number only 40,000, even though dictates of good sense, equity and justice might induce them to take the opposite view. He has threatened every one of us, Hindus, Sikhs and Muslims. I confess with a certain amount of shame that this threat which he has not used for the first time alone, but which he has been expressing privately and in public outside the Council has demoralised a large number of members who have to canvass rural votes. I have met members of this House respectable members of this House belonging to the statutory agricultural tribes who have in answer to my question definitely told me that

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the legislation on this subject has gone too far and the present Bill oversteps all limits and is not a desirable piece of legislation. They have given me instances where they find that the existing legislation has not only injured the creditors but has created difficulties for members of agricultural tribes. I do not wish to give their names, they are even now sitting in the House. I say that they are respectable members of this House almost leaders of definite groups of statutory agriculturists in this House. They have adopted an attitude of neutrality or even the outward appearance of supporting the Bill. They are afraid that if they give expression to their honest convictions in this matter, it will be used against them by their rival candidates, to influence ingoerent rural voters against them. I do not admire the attitude of these gentlemen, but I can understand their positions and sympathise with them. I wish that these gentlemen had the courage of their convictions but they say that propaganda against them has already been started in their constituencies by their opponents who are going about the countryside preaching that such and such a man is in favour of bania and is not in favour of the zamindars. Chaudhri Chhotu Ram has succeeded not only in coercing the members of the Government but also members of this House by these threats. I feel sorry that instead of allowing the members to give their independent and unbiassed opinion on the merits of the Bill, the honourable leader of the debtor classes has threatened with dire consequences, the Government, the Sikhs and the Hindus and of course he takes it for granted and rightly too that all the Muslims are with him whether they belong to urban or to rural classes, the reason being that muslims are debtors and creditors are Hindus and Sikhs, there being hardly any money-lenders amongst the Muslims, on account of the injunctions of the Holy Quran against interest. I submit, this is not the way to create a proper atmosphere for a dispassionate and honest consideration of the merits of the Bill.

Rao Bahadur Chaudhri Chhotu Ram : *Chalis hazar ke liye bari garmi Ai hai.*

Rai Bahadur Mr. Mukand Lal Puri : I am further opposed to this Bill because its provisions are calculated to contravene the declared policy of the Government not to extend the principles of the Land Alienation Act so far as the relations of the debtors and creditors are concerned. I am opposed to the Bill because if enacted it is calculated to bring the whole system of administration into contempt. I agree with the Deputy Commissioner of Kangra that "the Bill is totally opposed to all canons of law and equity and if passed would result in bringing the administration of justice and Government generally into disrepute." I also endorse the views of the Deputy Commissioner of Hissar that "the present Bill appears to be a bigotted and vindictive attack upon the rural money-lender designed to hamper and restrict it in every way and to deprive the money-lenders of his civil rights which are based on equity." I share the apprehension expressed by him that "if passed into law the Bill will fail to produce the effects which it is designed to produce and will increase the tension between the borrowing and the lending classes and in almost complete cessation of rural credit". Is it not significant that you get a similar opinion from Mr. Jones, Deputy Commissioner, Hissar, from South-East Punjab as you get from Mr. Garbett, Commissioner, from remote Multan? There are people

not mere drawing room politicians, discussing theoretical problems, but people engaged in administration and conversant with their conditions and in daily touch with the rural circumstances. Again mark the opinion of another European Deputy Commissioner, *i.e.*, of Lyallpur to the same effect. He says "Looking at the Act as a whole, it appears that its author's intention is to prevent any money-lending in this province. If that is his intention, then I consider that the Act will undoubtedly fulfill this purpose." Unfortunately it is too true as the honourable member the Leader of the Unionist Party said, the number of debtors in this province far exceeds the number of creditors. But this would be true of any province or any country in the world. His argument is, for the sake of 40,000 creditors, are you going to disregard the wishes of two crores, or at any rate, as all are not debtors, of several lakhs of debtors? It should be remembered that the present legislation does not deal with reduction in rate of interest or securing better and fairer dealing between creditors and debtors. That has already been dealt with and sufficiently provided for. At present the question is whether a person who has obtained a decree for just debts, which have been found due by the courts, after scrutiny should be permitted to realise even a portion of the decree from propertied classes or not. The present Bill is intended to make nugatory the decrees for just debts passed by courts. The argument of the mover of the Bill is that 40,000 creditors should be sacrificed and the debts entirely wiped off in the interests of the debtor classes of this province, who are much larger in number. The argument of the honourable member is that it is in the interests of a larger number of people to deprive the creditors of their property and to expropriate their debts. I submit, Sir, if this is the argument, let us say good bye to all legislation and system of administration based on respect for and sanctity of private property. I respectfully submit that every argument which he has used for the expropriation of the creditor against the debtor can be used effectively in favour of the expropriation of the ownership of the land. Now, the owners of land in this province are certainly fewer, far fewer than persons who are landless and are not owners of any land in this province or elsewhere. Can I appeal to you in the interests of that vast landless majority of population of this country to get rid of your lands and to divide this land on a more equitable and fair basis, would it not be in the interests of the teeming millions of landless people in this province, for the State to distribute equally amongst the population of the province. And this is precisely what the so-called leader of the Unionist Party has been preaching in the name of the party. The vast majority of Muslims and the Sikhs have not realised the grave consequences of the policy to which he a socialist and with no stake in the country is committing this House to. I invite the attention of the Unionist Party to the wholesome advice which was given by Sir Malcolm Hailey our late Governor when addressing the Legislative Council of the United Provinces in connection with similar legislation. He pointed out the dangers of such a policy and observed:—

Again, this is legislation affecting property, for, secured debt, at all events, must be ranked as property, and if legislation unduly considers the interests of one class of property holders, the immediate gain promised to them may prove to be short-lived and they may find that they have sown precedents for legislation regarding property rights from which they have to reap an unwelcome harvest hereafter.

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Let us hope that anything which this Council has done—and it has done a great deal in this connection or anything which this Council might do now, would not lead to sow the seeds of that very communism against which the Government asked for special powers a few days ago, in the shape of the Criminal Law Amendment Bill. Let us hope such impassioned but foolish appeals to the passion of the ignorant masses or majorities would be infructuous and would not be followed by any real action.

Therefore in reply to argument of Chaudhri Chhotu Ram I commend to the consideration of this House the words of Sir Malcolm Hailey, a statesman who on a previous occasion saved the Punjab Legislative Council from a similar foolish action when he refused his assent to the Punjab Money-lenders' Bill in 1925.

In the end, I wish to place before the House the opinion of the Joint Committee of the Northern India Chamber of Commerce, and The Punjab Chamber of Commerce, consisting of European and Indian businessmen of Punjab and the Delhi Province who are opposed to the Bill "on the ground that it is expropriatory in its nature, that its provisions are revolutionary and without precedent, and that it will stifle rural credit. The provisions contained in the Bill, if enacted, will stop the flow of rural credit with harmful consequences to trade and commerce, and ultimately to the prosperity of the province." The House will be well advised not to ignore such expert opinion.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): I am painfully surprised to hear at this stage, after so much time of the Council has been taken up with this Bill in the last session when it was introduced, after it has been circulated for eliciting public opinion, after we have received a sheaf of opinions on its provisions, after again the measure has been referred to the select committee and the select committee has worked upon it, that after all this, honourable members, instead of taking a dispassionate view, instead of examining the Bill as it has emerged from the select committee on its merits, should have thought it fit to oppose it. I need not take up the time of the House in regard to the provisions as they were contained in the original Bill. But now as the select committee has modified them, I shall confine my observations to the report of the select committee. This Bill only deals with certain matters which are already good law, as a matter of fact. So far as the question of exemption of ancestral property from attachment and from sale is concerned, this proposition was propounded by a full bench of the Lahore High Court and that case is reported as 4 Punjab Record 1913. In almost all the districts this ruling had to be quoted as soon as objection was taken and the courts released from attachment the property which had been attached. But of late years, unfortunately in some districts—I could cite my own district as an example—the courts now say that they have discovered after these eighteen, nineteen or twenty years, that there has been, in my district, —and that must be the case with other districts as well—the custom established by which the next heir in possession of the ancestral property is bound to pay the debts of his predecessor in interest. Therefore, for the last four or five years decisions have been given accordingly. After this long lapse of time since the judgment in 4 Punjab Record 1913.

was given and that judgment was good law, the subordinate judiciary, not to speak of the Honourable Judges of the High Court, have now discovered that perhaps that law was not correctly laid down in 1913. Therefore, all that the present legislation seeks to do is to give it statutory force, so that we may not have to depend upon the vagaries of the presiding officers of our courts from time to time. This is one of the chief changes that this measure seeks to effect.

The next question that is dealt with by this legislation is the exemption of standing crops and trees. On this point as well, the Lahore High Court has given various rulings. In some of them they have pointed out that trees are exempt, that they being part of land are free from attachment and from sale in execution. In other cases they have held the contrary view. The present Bill, therefore, seeks to put an end to this anomaly and this uncertainty in the minds of those whose duty it is to administer the law as it is.

So far as the Bill which was introduced was concerned, I think perhaps the select committee thought that the Bill had gone too far and therefore they have modified it. They have now suggested that certain cases of standing crops should be exempt, while others should not be, from attachment in execution of a decree. Therefore if anything, the select committee have modified the law, they have taken away the rigour of the law and there should absolutely be no opposition to the measure from honourable members over there. They should have been glad that the select committee have done the right thing which they ought to have done themselves.

Again, the question of onus in certain documents is also sought to be considered by this legislation. As a matter of fact, as previously introduced the Bill in the opinion of the select committee went too far and the select committee have tried to bring the question of onus in conformity with the existing law, that is, in accordance with the Indian Evidence Act and the Negotiable Instruments Act and the Indian Registration Act. All that the select committee have done is to bring the question of onus, which is of course a very important question in regard to the construction and execution of a document, in conformity with the existing law.

Next is the question of restrictions on money-lenders. I am one with honourable members who say that money-lending is certainly an important business. Nobody can question that it is an important institution. All that is sought to be done here is that the unscrupulous among the creditor class should not be spared. We have all respect for the honest creditor as he is an important institution, as important as any other institution. But we should not give any quarter, we should not show any mercy to the unscrupulous creditor who is a nuisance to society and who brings discredit to the creditor classes themselves. Therefore the representatives of the creditor classes themselves should have been the first to come to our help in passing this legislation.

Then there is the question of registration of the creditor classes. It has been very clearly brought out by the Honourable Mr. Justice Abdul Rashid. I believe, that an Act was passed in England in 1927 wherein they say the registration of money-lending classes was absolutely necessary. I think he further pointed out that if in a country like England where so many

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people were literate, where there was so much advance on all sides, if registration was necessary, *ipso facto* it was quite necessary when we were dealing with a province like the Punjab, a Province of peasants, of illiterate people and a province of zamindars who were not well acquainted with the technicalities of the law.

On the whole therefore this Bill only seeks to do away with the present anomalies of the situation. I have to make one or two observations to my honourable friends over there. They have been from time to time expressing the greatest sympathy, as they say, with the zamindar class. Now is the time, I will point out to them, to translate that lip sympathy into action. They should, as a matter of fact, try to consider this question in a dispassionate way. They should examine the various clauses in the Bill; they should try to help to bring this law into conformity with the law as it exists in other countries and they should not adopt these dilatory tactics. They should not, at this stage, oppose this motion. They should remember that even Mahatama Gandhi has told them in the most unmistakeable way that the only way to deal with the question of swaraj and self-government is to ameliorate the condition of the teeming millions of this country. They should, therefore, seriously consider whether they are the true representatives of the people who have sent them here, when they oppose a legislation of this nature. So far as the Government is concerned, I believe the Government has made up its mind to support this Bill. If Government Members have not, on the other hand, made up their minds, I think they should not be indecisive, they should not hesitate or vacillate, but should come to a definite decision. They should remember that here is a legislation which has gone through all the stages that a piece of legislation has to undergo. The other day there was a legislation before this House, I mean the Criminal Law (Amendment) Bill. That Bill was brought forward and the first stage when it must have been circulated for opinion was done away with, the next stage when the Bill must have been referred to a select committee was also done away with. Why did we do so? I am not asking now for a prize or for a reward for the attitude that we adopted regarding that Bill.

Why did we do it? We did it because we were impressed with what Government told us. They said, that this was a necessary legislation and that this legislation must be passed into law after considering it on its merits. I ask Government to take the same view now. They should consider this Bill from our point of view and they should remember that from our point of view it is much more important than the Criminal Law Amendment Act itself. They should remember that the Criminal Law Amendment Act deals with a microscopic minority, it deals with a few so-called terrorists, but this legislation affects the teeming millions of this province. They should, therefore, remember that it is an important legislation and they should not be misled by some misrepresentation which must have been made regarding the scope of this legislation. Government should also remember that so far as the Criminal Law Amendment Act is concerned, that has to deal with certain politically minded people or with certain educated people. But here we have to deal with the hungry people. So far as the question of other legislation is concerned we may wait some time. We may wait for legal rights, we can afford to wait for political rights, but when

the question of bread comes, when the teeming millions are clamouring for bread, when they are groaning under the taxation of land revenue, when they do not get two square meals a day, when they do not know what to do under these circumstances, when they are as a matter of fact being eliminated and annihilated on account of the economic depression through which this province is passing, the Government should remember that they owe a duty to the province which they govern. Therefore, it is in the interest of good government, it is in the interest of society and it is in the interest of good administration that this legislation should be considered and should be forthwith passed.

I will make one more observation and that is this. Sometimes agrarian troubles are much more dangerous and serious than political movements. Those political movements ask for political rights, but these agrarian movements ask for daily bread. There lies the whole comparison between the two classes of movements. Therefore I say that the writing on the wall is very clear. Government should take into consideration the consequences that might follow their apathy in a matter like this. They should also remember that all their repressive laws will avail them not in a trouble like this and they should also remember that the cup of misery of the zamindar is full to the brim and there is room for not a single drop more. Therefore, I make a fervent appeal to the Government benches that they should support the motion that has been brought forward by Rao Bahadur Chaudhri Chhotu Ram. With these words I support the motion. (*Applause*).

Lala Jyoti Prasad (South-East Towns, non-Muhammadian, Urban) : There has been much criticism on this Bill as a whole and on its various clauses, inside this House and outside it, in the press and on the platform, but so far as the interests of the creditors are concerned the select committee has not made any improvement whatsoever in the Bill. The Bill has undergone little change for the better. I would request you to turn your attention to the report itself and you will see that the different clauses of the Bill are as harsh as they were, when the Bill was originally presented to this House.

On perusing paragraphs 5, 6, 7, 8 and 9 of the report we find that no change worth the name has been made in clauses 3, 4, 5, 6, 7 and 8 of the original Bill. These are the most harmful clauses as they cut at the very root of the system of money lending and take away from the people their elementary right to advance money on credit. They penalise a particular class with a view to protect another. So many hardships have been placed on the creditor by the various enactments but nothing has been done to secure and guarantee the payment of his debts. Can anybody point out even a sentence to this effect either in this Bill or in the Punjab Relief of Indebtedness Act? Is it not fair and just that the dues of a creditor should be paid—dues which were advanced to either to meet revenue liabilities or to meet the necessities of life of the debtor and to save him from the clutches of law? The Punjab Relief of Indebtedness Act which has recently come into force already contains such drastic provisions that will set at naught the whole system of money lending in the province. In this Act the treatment meted out to the money lenders is against all sense of justice and equity. The creditors have no other recourse left but to bid good-bye to all their investments. They can never have the courage of sticking

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to their trade of money lending in the future. When this Act of indebtedness was only passed and had not yet become law, the poor money lenders had to face a very serious situation as the agriculturist debtors had started giving flat refusals to their sahkars as regards the repayment of their money. The poor money lenders were quite non-plussed, but what could be done? Now when the Act has come into force may the Almighty God only come to their help!

Rao Bahadur Chaudhri Chhotu Ram has now brought forth another Bill and wants us to have it passed as if the present Act has not proved enough to wipe off the very name of the money lender from the province. In the words of a European officer in charge of a district in the Punjab this Bill is a bigoted and vindictive attack upon the rural money lender designed to hamper and restrict him in every way and deprive him of those civil rights which are based upon equity. He further says that the Bill, if passed into law, would fail to effect the results for which it is ostensibly designed, and could only result in increased tension between the borrowing and lending classes.

I should like to inform the House what the Bombay Government recently did in connection with agricultural indebtedness. The Mercantile Committee addressed the Government of Bombay in the matter and were informed that in the Bombay Presidency the Deccan Agriculturists Relief Act was already in force which covered a good many of the objects which the new legislation for the relief of agricultural indebtedness in other provinces had in view. The Government of Bombay were averse to introducing or according support to any fresh legislation aiming at interference with private contracts and the ousting of the jurisdiction of civil courts. In accordance with the recommendations of the Land Mortgage Committee the Government of Bombay decided to establish additional land mortgage banks. I am further informed that a private Bill was introduced in the Bombay Legislative Council last year for the purpose of regulating the money-lending business. The Bill was, however, thrown out. I trust that the Punjab Government would follow the Bombay Government in this respect.

The Bill in my opinion is intended to add insult to injury and is sure to prove highly detrimental to the best interests of the creditors as well as the debtors. It simply offers want of security and inconvenience to the creditor. It is nothing else but a class measure and in no way helps the poorer section of the community for which it is introduced. As a matter of fact it is aimed at saving debtors who recklessly at the expense of others lead princely lives out of proportion to their income and have large landed estates. It renders to all intents and purposes the realisation of a debt by way of execution an impossibility. If the Bill is passed into law, the poor creditor would never forget the tyrannical oppression of the majority party in the Council. With these words I oppose the motion for consideration of the report of the select committee.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadian, Rural) (Urdu): Only the other day the House passed the Relief of Indebtedness Act, and soon after that another drastic legislation has been intro-

duced in the Council to crush the sahu-kars. I am at a loss to understand how the honourable Chaudhri Sahib has thought it necessary and advisable to present a similar Bill before the House. The poor sahu-kars have not yet recovered from the severe blow of the previous Act, but they have been most mercilessly struck another blow. It means that a man who is already weeping and has not as yet given sufficient expression to his grief should be given another kick and knocked down.

I fail to understand the object of that party here which is concerned with the zamindars. The zamindars are in a great majority in this province. As compared with them the number of sahu-kars is very small; they are merely 40,000. It appears that the Unionist Party wants to destroy the sahu-kars wholesale. It is often said that the minorities should be protected, but in this case the matter is quite the reverse. In his speech Mr. Mukerji remarked that when the Criminal Law Amendment Bill was brought forward by the Government it was urged that one of the objects of the Bill was to check the growth of communism in this country. But I ask, what is the purpose of bringing forward these Relief of Indebtedness Bills? Do they propose to deprive the sahu-kars of their wealth and make them like a zamindar who is under debt? If the Government would accept this Bill or lend its support to this measure it will be construed that Government itself favours a legislation which openly preaches communism. The Government often send those people to prison who preach communistic doctrines. Will it now support this Bill, which is nothing but a propaganda for communism?

If we look at the various clauses of this Bill, we are greatly disappointed. Those who have carefully read the Bill, will agree with me that its provisions are anything but fair. It is often argued that the powers of executive officers should be given to the judiciary. But this Bill proposes that the powers vested in the civil courts should pass into the hands of executive officers. I cannot understand why the Chaudhri Sahib is so bitterly opposed to the civil courts. If, however, he thinks that these courts are entirely useless, he will do well to bring forward a measure that the civil courts should be abolished. Thus there will be a great deal of decrease in Government's expenditure. In another clause it is laid down that such portion of the judgment-debtor's land shall be exempted from temporary alienation as in the Collector's opinion is sufficient to provide for the maintenance of the judgment-debtor and his family. When it was proposed to refer this Bill to the select committee, I said that it was not proper to make a provision in this Bill that if a judgment-debtor has more land than is necessary for his and his family's maintenance then alone will his land be attached and alienated temporarily in the execution of a decree. A man can easily increase his expenses and no amount of land will be sufficient for his subsistence. He can live in a bungalow; he can keep four servants. Such legislations are absolutely uncalled for. If a piece of land is to be attached, it should be publicly auctioned. At the time of a public auction any price can be offered for the land. But in the present case the collector will depend on the report of the patwari who will be easily persuaded by a zamindar to say that the land is of very low price and is hardly sufficient for the maintenance of himself and his family. Therefore this clause is not acceptable. In another clause it has been laid down that the ancestral

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property in the hands of an heir shall not be liable to attachment in the execution of a decree relating to a debt incurred by any of his predecessors in interest. It means that after the death of a debtor the creditor should not be able to realize his debt from the debtor's son. It is very strange that after a debtor's death his son should become master of the property but he should not pay the debts incurred by his father. I do not understand how the honourable Chaudhri Sahib has thought it fair to deprive the sahkars of their money with which the zamindar has been enjoying himself. By introducing this Bill he has not only harmed the sahkars, but he has also put the life of the zamindars in great danger. We find that sometimes a son gives poison to his father when the latter is insured for Rs. 50,000. The son thinks that after his father's death he will get that huge sum and he will lead a comfortable life. In the case of the zamindars when a zamindar's son will find that his father is heavily in debt and that he will become master of that property without paying any debt, he will feel inclined to kill his father. But if he knows that even when he inherits the property he will have to pay back the debt or he will not become master of the property after his father's death he will refrain from taking the life of his father.

I do not know how the Chaudhri Sahib has expressed a hope that his own party and the Sikh party will lend countenance to this Bill. I opposed even its reference to a select committee. I am really pained why a religious and pious man like the honourable Chaudhri Sahib should bring forward a measure which lays down that the son should not pay off his father's debts. When the Anti-Beggary Bill was introduced in this House, he opposed it on the ground that it interferes with Hinduism, according to which there is a certain stage in man's life when he should depend on alms and charity. I fail to understand why he now deviates from the path of religion. I do not suppose that the whole Unionist Party will be converted to the honourable Chaudhri Sahib's views that the son should evade the payment of debts incurred by his father or any of his predecessors. It is really strange that the son should inherit the property but he should not pay his father's liabilities and not liquidate his debts. Sometime ago when I said that women should be allowed to become members of municipal committees and district boards, the Chaudhri Sahib opposed me on the ground that to grant such permission was against the Hindu Dharma. But by moving such Bills and bringing forward such legislations he has betrayed himself and has shown that his religious views are not strong and he is not a staunch Hindu.

In another clause it is laid down that no fresh application will be made for the attachment of property after the expiration of six years. But according to the existing Act the execution of a decree can be made within 12 years. Thus the more closely we look at this Bill and its provisions, the more we become aware of the motive underlying the Bill. The whole object of this Bill is merely this, that the zamindars should take loans, enjoy themselves, go to England, return as Bar-at-Laws, but should not pay back the money which they borrowed from the sahkars. That is why the period of twelve years fixed for the execution of a decree has been reduced to six years. This short period of time the debtor can spend

anywhere. He can hide himself somewhere. He can go to a city ; he can go to a State.

Again, it has been provided that the sahukars should secure licences for advancing loans. One can understand a tonga-driver or a lorry-driver obtaining a licence. The object is that if an accident occurs, he may be easily traced. But when the sahukar is asked to obtain a licence, what accident is contemplated ? If it has been made obligatory for the sahukar to get a licence, it should have been made necessary for the debtors also to get a licence. The officers of the Government can see whether the debtor actually stands in need of money or not, whether he requires the money for paying the land revenue or other liabilities or he merely wants to purchase wine and fight elections. If the officer finds that the zamindar wants loan for the last two things, he can say that it is not necessary and he should not be allowed to borrow money. But instead of taking the debtor to task, the poor sahukar is being reprimanded and cruel laws are being made to ruin him. Not only that, if it is found that he is not registered he will be fined Rs. 1,000. It appears that the honourable Chaudhri Sahib is bent upon crushing poor people to death. This Bill is not meant to help them at all. It aims at helping the big zamindars and the rich landlords so that they may enjoy themselves and lead luxurious lives. Suppose a poor man who is my neighbour receives some guests and he has no money or flour in the house. He comes to me and asks for a loan of five rupees. According to this Bill it will not be possible for me to accommodate him with a small loan unless I obtain first a licence. If that man fails to pay back that debt, and I unfortunately lodge a complaint against him, I will be at once fined Rs. 1,000 for helping a poor man in his extreme need. The honourable Chaudhri Sahib should have thought of the poor people also who have to depend on others for the bare necessities of life. He should have taken into consideration the condition of everybody. If every money-lender will be called upon to obtain a licence before advancing any money, poor people will perish. Then, the sahukars do not advance loans to the zamindars simply with the intention of earning interest ; in many cases they are moved to compassion on account of the sad plight of the zamindars. It is represented to them time and again that a zamindar is on the verge of starvation and that he should be saved by the advance of loans. But now when the money advanced is claimed back it is again being pointed out that the zamindar is very poor, he cannot pay and he should not be asked to pay. I cannot understand this position of the gentlemen who have come here as advocates of the zamindars. After all the zamindars are being asked by the sahukars to pay back what they had borrowed ; nobody is asking them to part with their pound of flesh. Do these gentlemen really believe, that the demands of the sahukars are unreasonable and unjustifiable ? My greatest complaint against this Bill is that it has not been conceived with the intention of helping the poor and the needy. It is proposed to include in the term " trader " all the rich business men and brokers. It is not proposed that the petty *dalal* who hardly earns more than four annas a day and even that after crying all day long should be protected. Nor is the Bill meant for protecting the poor hawker who earns a penny out of his wares which are worth hardly more than a few annas. The Bill is meant to help big lawyers who are enjoying lucrative

[Sh. Lekhwati Jain.]

practice and occupying seats in the Council, the Assembly, district boards and municipal committees. Need I point out that such people need no protection? I will not take much of your time. In fact I had no intention to speak on this Bill. But then it is very difficult that one should see the House being misled into supporting such unjust measures and remain silent. The honourable member from Hoshiarpur, Sardar Arjan Singh, has said while delivering his speech in support of this Bill that it is even more important than the Criminal Law (Amendment) Bill. Yes, it is more disastrous for the country even than that abominable piece of legislation. It is even more drastic than the Criminal Law (Amendment) Bill. I am glad that even a supporter of this Bill had the fairness to admit that. You ought to have waited to see first what good the Relief of Indebtedness Act has done to this country. Why have you been so quick? You have brought this Bill before the House now because you have a majority here. In the next provincial Assembly also you hope to be in a more stable majority. You could have rushed such a measure through that Assembly any time. The Government should support the circulation motion and get this Bill circulated to elicit public opinion. Many changes have been made in it since it was referred to the select committee. Attempt has been made, through this Bill, to cut the throat of a whole community. The Government should not take this affair lightly. It is a grave problem. You should certainly find out whether the public opinion favours the amended form of the Bill or not. I know very well that people can safely disregard public opinion in this House because they have a sure majority here. But the Government should never minimize the importance of public opinion. The learned Chaudhri Sahib has referred to two zamindara conferences which passed resolutions in support of his Bill. Last time I had thrown some light on those resolutions and I had acquainted honourable members of the House with some funny arguments that were put forward in support thereof. For instance, it was urged that the zamindars had purchased lands with the money borrowed from the sahuks and as the prices of landed property had gone down considerably they could not pay back the money borrowed. I have again to point out as I did last time that the sahuks advanced money in cash and they want it back in cash. The zamindars became bigger zamindars by purchasing landed property with the money borrowed from the sahuks and the latter did not earn any profit. Why should the zamindars now come here to make laws like the Debtors Protection Bill in order to evade payment and why should the Government encourage them? You come here to say that your Bill has the support of two zamindara conferences held at Lyallpur. Do you not know that your Bill has been opposed in as many as twenty Sahuks conferences? Why mislead the honourable members of the House by saying that your Bill commands so much support? But you have the satisfaction that you are in majority in this House as well as outside this Council and the poor sahuks are only 40,000 in number. But the Parliament of the Punjab should not be prepared to trample under foot the rights of a minority on such flimsy pretexts as your Bill embodies. I again declare that this Bill is not meant to help the poor and the needy. It is meant to benefit those rich people who spend money like water on their luxuries and then try to deny their obligations.

Khan Bahadur Nawab Muhammad Hyat Qureshi (Shahpur West Muhammadan, Rural) (*Urdu*): I had no intention to speak on this motion nor do I see any necessity for speaking at this stage, but I feel called upon to point out that the motion which the honourable member for industries has moved and the reasons which he has adduced in support thereof are untenable. In fact the honourable member ought not to have moved his motion at this stage. This Bill has been introduced in this House, has been referred to a select committee and now it has emerged from that select committee in a considerably modified form. If any substantial changes had been made in it in the select committee it may have been again circulated to elicit public opinion. But, as it is, no substantial changes have been made in it, and I see no reason to recirculate it. Therefore the motion moved by the honourable member is not justified.

Sardar Arjan Singh: But he has moved no motion.

Khan Bahadur Nawab Muhammad Hyat Qureshi: I want to point out that no substantial change has been made in the Bill by the select committee. So any opposition at this stage is undesirable. The select committee has already considerably pruned and amended it. There were several members of the select committee who represented urban Hindu interests but they did not attend the committee's deliberations. But our party took great pains to delete those provisions from the Bill which might have been objectionable from those members' point of view. Several other provisions were modified.

The first objection that has been raised by the Opposition is that whereas the Relief of Indebtedness Bill has already been placed on the statute book, there is no necessity of pressing this measure. But they will please recall that when certain amendments introduced in it by our party were dropped by an understanding, it was suggested that those things should be brought forward in the shape of a private Bill. So, it is those very suggestions which the present private Bill seeks to give effect to.

Another important objection raised by my honourable friends is this that the provision relating to the prohibition of a lease for a period of 20 years in connection with meeting the liabilities of a progenitor is unjustified. But even this is not a new thing. The High Court has admitted this to be a sound provision in the case of many districts already and it is in order to give this provision a legal force in the remaining districts of the province that this provision has been incorporated in the Bill. We want to make the substance of a High Court ruling universal in this province and nobody should object to it.

Rai Bahadur Mr. Mukand Lal Puri: But you are going against the Shar'-i-Muhammadi.

Khan Bahadur Nawab Muhammad Hyat Qureshi: No, we are legislating for the benefit of those people only who follow the customary law. Those people who choose to follow Shariat are at liberty to do so even at present.

Then an objection has been raised that the transfer of power from civil courts to the collector is not desirable. But perhaps the honourable members who raise this objection overlook the fact that even the collectors will act as judicial officers while disposing of cases under the proposed Act.

Mr. Nanak Chand Pandit : But what is the use of transferring the powers of civil courts to the court of a collector ?

Khan Bahadur Nawab Muhammad Hayat Qureshi : Let me explain. The present practice is that the papers in such cases are forwarded to the collectors by the lower civil courts. And it is on the orders of the collectors that the sub-judges decide their cases. It is seldom that a sub-judge goes against the finding of a collector. So, it is with a view to avoid the delay in the decisions that the provision of a transfer of power from the sub-judges to the collector is incorporated in this Bill. Further, a collector is a far superior officer to the sub-judges and is drawing much more pay than the sub-judge who only draws Rs. 200 or Rs. 300 a month. You can expect that under the present arrangement there will be more justice than you can expect from the sub-judges.

Then, the honourable member for industries has expressed the apprehension that if the present Bill is passed into law, big zamindars will take away the lands belonging to the petty zamindars. But perhaps he forgets that this law will apply to the agriculturist money-lenders in the same way as it will apply to other sahu-kars. It does not recognise any difference between a bania and an agriculturist money-lender.

Rai Bahadur Mr. Mukand Lal Puri : But agriculturist money-lenders never go to courts. They purchase the lands of their debtors outside the courts.

Khan Bahadur Nawab Muhammad Hyat Qureshi : No, the proposed law will apply equally to the agriculturist money-lenders. I am considered to be a big zamindar. I am prepared to support any proposal brought forward by my honourable friend which might preclude the possibility of an agriculturist money-lender escaping the application of the provisions of this law to him. Then, we do not want that the money advanced by the sahu-kars should be wasted or not recovered. We want to deal with them fairly. If you go to my ilaqa you will learn that we help the sahu-kars to recover their debts even without seeking the help of the courts of law.

Rai Bahadur Mr. Mukand Lal Puri : That is true ; but by supporting this Bill you propose to carry to your district the germs of the disease from which Rohtak is already suffering.

Khan Bahadur Nawab Muhammad Hayat Qureshi : Now I should like to request the honourable members of this House to be ready to decide everything on its merits. They should not do anything which might be detrimental to the interests of the province as a whole. Our party will be ready to agree to any reasonable suggestion put forward by the honourable members occupying those benches. They, on their part, should not adopt the unreasonable attitude of opposing each and everything proposed from this side of the House. If they table constructive amendments we will consider them favourably but they should refrain from adopting wrecking tactics.

Much stress has been laid on the point that this Bill, if passed, will destroy the credit of the zamindars and consequently they will stand to lose by its passage. But let me say at once that this argument carries no conviction with us

We know that the Punjab zamindar enjoys good credit and I should say better credit than that which the zamindars of other provinces enjoy and I am sure that he will continue to enjoy this credit even after this Bill is placed on the statute book. Therefore the honourable members who are opposing this Bill on that ground need have no fears on that score. I may also assure these honourable members that the zamindars are always prepared to amicably settle their accounts with the sahkars provided the latter are honest and they are in their turn prepared to meet their debtors half-way. It will be admitted even by the worst enemies of the zamindars that the latter have fallen on bad days. They are certainly not in a position to pay off the entire amounts of the debts due from them and, therefore, if the sahkars are ready to take a lenient view of the situation and are honest in the bargain, there is no reason why they should not get back at least a reasonable portion of the money advanced by them. I may say once again that the zamindars are by nature very honest and it is their desire to pay off as much of their debts as they are in a position to pay. In support of this contention I can quote any number of cases in which the zamindars have paid their debts which were time-barred and for which they could not be sued against in the courts. It is, therefore, clear that this fear of some of the honourable members is unfounded that the entire debts of the sahkars will be wiped out by this and other similar measures. The honest sahkars will get back the whole or at least some portion of that money even after this Bill is passed into law.

The difficulty is that some of the honourable members do not try to see things as they are and do not try to appreciate the difficulties which face the zamindars at present. They ought to know, if they do not already know, that on the prosperity of the zamindars depends the prosperity of the whole province. If they are happy, they can keep all others happy. If the zamindars have plenty to eat and to spare, every other section of the people will have plenty to enjoy. The sahkars and the Government too will face no financial difficulties. But if the zamindars are poor and are starving as some of them are actually starving at present, the sahkars, the Government and in fact every other section of the people must also starve. It has not been wrongly suggested that these zamindars are the back-bone of the province and the country. It is, therefore, our duty to keep them happy. It is in the interest of all that the zamindars should not be exasperated by demands which he is unable to meet. And if we all look at the situation from that point of view, I am sure that all the difficulties with which we are faced at present will be easily removed. I may also say that if the sahkars and their representatives change their present mentality and they begin to help the zamindars, better understanding can be created among all sections of the population and they can have all the pleasant relations which they used to have before. With these words I support the motion under consideration.

Rai Sahib Lala Labh Chand Mehra (Non-official, nominated) (*Urdu*): I intentionally did not take part in the debate that took place the other day in this chamber on the motion for reference of this Bill to a select committee. I hoped that the select committee appointed to consider this Bill would take all the criticism received in regard to this Bill into consideration and delete all the obnoxious provisions in the Bill. But I now find that I was

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wrong to cherish that hope and I have no other choice left but to oppose the motion for the consideration of this Bill. The honourable mover of this Bill has been pleased to say that there is a large volume of opinions in its favour and he has received and even is receiving letters from members of all classes and communities intimating that this Bill, if passed, will not only help the zamindars but will benefit non-zamindars also. I do not mind if the honourable member wishes to please himself by saying all this, but let me tell him that there is nothing to wonder at if he has received letters even from the non-zamindars saying that this Bill ought to be passed. As one who has seen much of the world he ought to have known that there are black sheep in every class and community and that there is no dearth of such men in any community who would like to evade payment of their debts if they could find a way for doing so. If such people have written letters to him and have expressed their desire to muster strong under the banner raised by the honourable member from Rohtak, it is nothing to wonder at. But that is no argument why this Bill should be placed on the statute book. In referring to the opinions received in favour of this Bill and also to the letters which the honourable member has received from, what I should call, dishonest persons, because I am sure that no honest persons will do that—he has conveniently forgotten to mention that much larger volume of opinions have been received against this Bill. It appears that he has not even cared to go through the opinions that are against this Bill. For his information I will read one sentence from the opinion of the Deputy Commissioner, Montgomery, who, it will be seen, supports my view in the matter.

There may be some bankrupts, insolvents and other failures in business amongst the non-agriculturists and some spend-thrift land-holders who may welcome such a proposal; but I do not think that it is desirable for society to protect such persons at the expense of other more useful members.

These words speak volumes and I would like the honourable mover of this Bill to read them carefully. I am glad to say that by the grace of God there are honest men even amongst the agricultural classes and one such person, who is a man of no mean position, has said the following words while expressing his opinion on this Bill :—

The Bill, if passed into Act, will affect all debts in existence at the time of the passing of this Act. The provisions of this Bill are designed to bring the chances of the recovery of a debt from a debtor by a creditor to a minimum and to make the business of money-lending extremely difficult, if not impossible.

It is high time that the Government should put its foot on this sort of legislation.

The Bill, if passed into law, means that a creditor shall not recover his debts in the Punjab which will amount to legalized swindling.

We are under a civilized Government and every citizen expects the Government to enforce contracts between its subjects, *inter se*. Any legislation may be passed for the future but the present contractual liabilities of the debtor should not be wiped out.

It is clear that the Bill, if passed into law, will effectually stop money-lending for the future and also wipe out all existing debts when the chances of recovery under the law will be reduced to a minimum.

I think it is clear to the Government that an agriculturist cannot make his both ends meet, he must borrow. The money-lender will cease to give him a penny.

I, as an agriculturist, shudder to think of the consequences of this sort of legislation. In plain language it means that the sturdy peasantry of the Punjab which consists of small holding proprietors will disappear. Within the coming 10

years the best land of the agriculturists will pass into the hands of big moneyed agriculturists of the Punjab. The Alienation of Land Act will become a dead letter because the debtor must mortgage or sell his land in the hour of need, because sahukar will not advance him a penny and the so-called Co-operative Societies, which are reported to be flourishing, are in fact in a really deplorable condition because the recoveries of debts shown in those societies are really fictitious in many cases.

Alienation of Land Act was designed to protect the small peasant proprietors and this legislation will destroy them. The recent last legislation on the subject is already a very grave step.

I think the proposed legislation may prove a straw which may break the camel's back.

If the Government wants to protect the small proprietors at the hands of big money-lending agriculturists, then the Government should oppose the proposed measure or else the big moneyed agriculturists will devour their poor brethren by acquiring their lands by way of mortgage or sale and the sturdy peasantry of the Punjab which is the back-bone of the Indian Army will disappear as such altogether.

In the interest of the British Empire, the Government should not play into the hands of a small section of the so-called agriculturist leaders in the Punjab Council who do not really understand the best interests of the Punjab zamindars.

It is Rai Bahadur Chaudhri Diwan Chand Saini, a member of an agriculturist tribe, who has said these words and who, I should say, had the courage of conviction to say these words. The honourable sponsor of the Bill has been pleased to tell us that a majority of the deputy commissioners in the Punjab have expressed themselves in favour of this Bill, but he has not cared to mention that the Financial Commissioner who is much more experienced than any of the deputy commissioners, does not look upon this Bill with favour. Mr. Dobson says :—

Generally speaking this legislation is superfluous in view of the existing Acts already in force on the subject, namely :—

The Usurious Loans Act, 1918 ;
The Punjab Regulation of Accounts Act; and
The Punjab Relief of Indebtedness Act, 1934.

He further says that :—

"As a matter of principle it would appear desirable to await the result of the Punjab Relief of Indebtedness Act."

He further says :—

"The Bill appears to contain a series of drastic and far from impartial provisions designed apparently to fortify the indebted classes, who are already exceptionally favoured by recent enactments, in resisting the claims of their creditors."

Coming to specific sections he observes :—

"Section 4 can only have the effect of injuring both debtor and creditor."

Proceeding further he says that :—

"Section 6 disposes the burden of proof in a manner contrary to the existing law of evidence."

He further thinks that :—

"In view of the very indefinite nature of the proposals, this fresh attempt at a very questionable piece of legislation should not be supported."

I shall now proceed to read out one or two sentences from the opinion expressed by the Registrar, Co-operative Societies, who has so much to do with the zamindars and whose opinion should certainly carry weight with their representatives. Besides saying so many other things he says :—

"There is no indication that it (this Bill) will help the smaller debtor rather than the most substantial landlords."

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Then he says—

“ Thus with the restrictions recently introduced in the matter of civil arrest, the resources open to the creditors are reduced to vanishing point.”

It will further interest the honourable members to learn what the Senior Secretary to the Financial Commissioners says when expressing his opinion with regard to this Bill. He says—

“ The general opinion agrees with the view which I have already given in my letter quoted above, that these successive measures are having a noticeably bad effect on the will to pay of even the solvent zamindar.”

I need not repeat what Mr. Garbett, Commissioner, Multan, has said while expressing his disagreement to this Bill. Other Commissioners also have disapproved it.

Mr. President : If any gentlemen want to carry on conversation, they should do so in whispers, so that when a gentleman is speaking, those who wish to hear him, might do so.

Rai Sahib Lala Labh Chand Mehra : I can quote any number of opinions expressed by men of experience which go to show that this Bill will do more harm than good to the province as a whole.

Mr. M. A. Ghani : On a point of order. These opinions were received before the Bill was sent to the select committee and the select committee considered those opinions. How is the reading of these opinions relevant now ?

Mr. President : The relevancy of these opinions cannot be questioned, but the desirability of their being read *in extenso* is certainly questionable. The honourable members may, in certain cases, read one or two opinions in support of their views, but if they make it a rule to read every opinion, which supports their views, that, I think, would be objectionable.

Rai Sahib Lala Labh Chand Mehra : I bow to your ruling, Sir, I have in fact not been reading all that has been said against it. If I were to do so, it will take me days. I have been reading only small portions from these opinions. The realisation of old debts was already a matter of great difficulty, but the Punjab Relief of Indebtedness Act has made it altogether impossible. I do not like to say anything as to how money-lenders are faring under the existing law, but being a business man I want to show that this Act is seriously affecting business. I belong to Amritsar which as you know is a big centre of business. All business is being adversely affected by this legislation. Leaving all other business, take the case of cloth and piece goods which has least connection with money-lending. The dealers of cloth and piece goods are very badly hit by this legislation.

Mr. M. A. Ghani : The honourable member is an honorary magistrate and he says that he is a business man too. I ask if a business man can also be an honorary magistrate.

Rai Sahib Lala Labh Chand Mehra : I am sorry the honourable member is wasting the time of the House by indulging in such unnecessary and absurd interruptions. I was saying that people from mandies all over the province come to purchase piece goods from Amritsar. All the business is done on credit. These people also sell on credit in different towns and

villages. The village and town bazaz (draper) who is a village sahuakar as well cannot realize his debts and hence cannot pay to mandi merchants. When these merchants cannot realise their debts, it is very difficult for them to pay to the big merchants at Amritsar. Thus the whole business is upset and the trade suffers. The honourable member from Shahpur has been pleased to remark that even now the honest debtors are prepared to settle their debts with their creditors. That is right. The honest debtors do not stand in need of any such legislation. But the difficulty of the matter is that this sort of legislation is going to encourage the dishonest debtors to evade the payment of their debts. This legislation is surely going to seriously harm the credit of the country at large. It is already very difficult to realise old debts and the present Bill if passed into law will make the realisation of such debts altogether impossible. This is not only my opinion but it is the opinion of all prominent businessmen of the province. I do not like to discuss the provisions of the Bill at length, for it has already been done by the honourable member for industries who has clearly shown in his speech that the Bill is most injurious to the best interests of the country. With these words I strongly oppose the Bill under discussion and request the honourable members to reject it.

Sardar Sampuran Singh (Lyallpur, Sikh, Rural) (*Urdu*): I am at a loss to understand why so much opposition is being offered to the Bill now before the House. It does not introduce any material change in the law now in force, though it provides for a few more simple things. In the first instance it requires that whenever a civil court orders that agricultural land should be attached and alienated temporarily in execution of a decree, the proceedings of such attachment and alienation should be transferred to the collector. According to the existing law a civil court orders attachment and temporary alienation of agricultural land in execution of a decree, after the collector submits his report as to how much of the land is available for such alienation and how much of it is required for the maintenance of the judgment-debtor and his family. The only change that is being introduced is that final orders in this connection should be passed by the collector who is familiar with the local conditions and not by the civil court. This does not make any material difference because even under the existing law a civil court orders temporary alienation of agricultural land on the report of the collector. In my opinion this change does not in any way violate the principle of justice and equity. In the second place the Bill requires that ancestral property in the hands of an heir should not be liable to attachment in execution of a decree relating to a debt incurred by his predecessor in interest. Even this is no innovation. Under the existing customary law the ancestral property in the hands of an heir is not liable to attachment in execution of a decree relating to a debt incurred by his predecessor. Of course there are a few rulings that in certain districts there is a custom justifying the attachment and temporary alienation of agricultural land in the hands of a son to satisfy the debt incurred by his father; and the present Bill intends to meet the situation that has arisen on account of such rulings. I fail to understand how this Bill if passed into law will deal a death-blow to money-lenders or stand in the way of realisation of old debts due to them. In my opinion the present hue and cry over this is absolutely unnecessary. It would not in the least adversely affect the previous debts or as a matter of fact the

[S. Sampuran Singh.]

future transactions. Another fundamental principle of law is that the persons who come to seek remedy in a court of law should first establish the claim. This is the recognised principle of law but of late the courts have held that when a person admits to have signed a particular document, it will be taken that he has incurred the debt. But in many cases the judgment debtors have argued that their thumb impression was taken when they were either asleep or drunk. In order to avoid this it is proposed that the burden of proving that any consideration entered in a bond or promissory note or in any other document have actually passed shall be on the creditor. This is quite in consonance with justice, equity and good conscience. I therefore do not regard even this to be a new change in the law now in vogue.

I belong to a profession for which a licence is necessary. No lawyer or advocate can start practice without first getting a licence. Similarly medical practitioners have also to get their names registered and obtain licences to carry on their profession. For motor driving a licence is necessary and no one can drive a car without a licence. Therefore, it is wrong to say that by a licence or by registration a man's position or status will be lowered. If really it is degrading to apply for a licence for legal practice then it means that we who are in the legal profession are disgraced and as such, how can we tolerate that other professions and trades should not be degraded by making registration or licence necessary for them? If the legal profession is degraded simply because it is necessary for those who follow it to obtain a licence, then naturally we should desire that sahlukars should also be stigmatized by making their profession of money-lending subject to the issue of licences to them.

Another point which I would like to submit is that in the profession of money-lending there are many people who are not well acquainted with this calling and they by following it have to suffer a good deal of loss. If this profession is subjected to the obtaining of a licence or registration then it would save those people who are not expert in this profession from a good deal of loss. Then there are also such people in this profession who are not honest. They practise deceit and bring this profession into disrepute. If registration or licence for this profession is made necessary then such dishonest money-lenders will have to leave the profession and consequently this profession will become more honourable and respectable. If the profession of money-lending is purged of all such people who are not honest in their dealings then it will once again re-establish its good name and reputation. If all the money-lenders become organized and subject themselves to a law then the status of the profession will rise and not fall as feared by some honourable members. Rai Bahadur Lala Mukand Lal Puri suggested that by this law it will become impossible for the zamindars to get debts and consequently to meet their necessities they will have to sell their land at a very low price which would be more detrimental for them than anything else. This idea had also suggested itself to me. But borrowing has become an incessant evil and in order to stop it all drastic measures should be adopted. Borrowing has become a continuous process just like the unending "Arabian Nights." The suggestion of Rai Bahadur Mukand Lal is quite sound but it does not mean that such

a wholesome principle as is underlying this measure should not be admitted and this measure which is at present under consideration should not be passed. If after the enforcement of this law we find that the land of the small holders is passing into the hands of the big landlords then at that time we can make new amendments in it and the Council will remove all those defects which will become apparent after its application.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): While following the debates on this motion I find another proof of the saying that history repeats itself. We have been following the debates of the Relief of Indebtedness Act and if we compare the methods observed then and the tactics which are being adopted now, we see that there is not the slightest difference in all the lines followed. Things are going on in exactly the same way even when examined in details as they were going on at the time of the discussion of the Indebtedness Bill. It need not be repeated that this Bill like its predecessor-in-interest if I may coin that word, was circulated for public opinion, and this Bill like that Bill was also referred to a committee of 13 members, rather an unlucky number, and this Bill again when it came before this House for consideration was opposed by my same worthy colleague, Raja Sahib. He was the first to open criticism and objections on that motion and he is to-day also the first to speak against this motion. I am not suggesting anything, but I am simply drawing your attention to the fact that more or less the speakers who have taken part in this debate have been called upon in the same series of circles as they were called upon in the case of the Relief of Indebtedness Bill.

Coming to the Bill itself, I would suggest at the very outset without going into details that this Bill has been commented upon and considered by the people outside this House and inside this House for more than eight or nine months. It was introduced in the Council on the 29th March, 1935. We have received no less than 300 opinions and opinions from all sorts of people, from the Judges of the High Court down to the lowest zamindar or sahuakar, in their independent capacity as well as in their collective capacity in the shape of meetings where opinions have been expressed on this Bill. We cannot say that people have been taken by surprise so far as the question of public opinion is concerned. As was pointed out by the honourable the Leader of this Party at the time he moved the motion for circulation of this Bill, so many deputy commissioners, so many commissioners, so many judges, so many lawyers, so many associations, so many political bodies, so many trade unions have expressed their opinion against this Bill and so many in support of the Bill, a smaller number, of course, against it. Practically everybody even the Judges of the High Court have accepted the principle underlying this Bill. You may refer to the various opinions if you want any proof. I have said it for the simple reason that once the principle has been accepted by you as well as by other people, there should be no opposition at this stage against this Bill. If there are any differences of opinion, let amendments be tabled, as there have been some and let us decide those amendments on their merits taking them one by one. Let us fight out the *pros* and *cons* of the question on the floor of this House rather than oppose the motion for consideration of the Bill.

[K. S. Ch. Riasat Ali.]

Now a charge which has been laid against the select committee is that the select committee has made the Bill very 'intense' to quote Rai Bahadur Mr. Mukand Lal Puri. I would suggest that a cursory glance at this Bill as it has emerged from the select committee will show that the charge is more *illusory* than real. Members should not be afraid of the fact that the Bill now contains 21 sections, whereas before it went to the select committee it contained only 11 sections; that the Bill had one chapter before and now it has as many as four chapters. They should not be terrified at all because the subject matter of the Bill has not been changed by an iota. If you refer to the sections it will be proved that I am right. The only extensive changes that have been made, have been made in section 2. But they are not changes if you examine them closely, because in the old Bill the words 'money-lender' and 'creditor' occurred. It was considered convenient to define these expressions, because in the former Bill it was stated that they would have the same meaning as in the Punjab Regulation of Accounts Bill. In order to find out the meanings of these expressions in that Act we had to go to the Public Library or some other library, but for easy reference and as a good practice we have now defined all those expressions here in this Bill. We have removed the definitions bodily from that Act. Now a new addition has been made so far as section 2 is concerned. The expressions 'interest,' 'bank,' 'company,' 'co-operative society,' 'trade' and 'trader' happen to occur in the definition of "loan" in the Regulation of Accounts Act; therefore it was considered essential for us to define these expressions as well, and as the word, "loan" occurs in the definition of "money-lender" adopted in this Bill we have to define it; that is the explanation why this section now comprises of about 60 lines instead of 16 lines. There has been no material change otherwise at all.

Another thing is that in the old Bill in section 3, the expression 'land' and the expression 'collector' occurred. It was essential to define the word 'land' and the word 'collector' and it is on account of this that the section is now bigger than the original section. It was considered necessary to define these expressions as it was felt in the select committee that there will be abnormal addition to the work of the collector, if he were to act judicially, and therefore his powers should be delegated to some other revenue officer. For this purpose who adopted the definition of the word 'collector' as is given in the Revenue Act. Therefore practically there is no difference in these words and the words in the old clause as it stood. Then sections 6, 7, 8 and 9 are only added as consequential because when we say that there should be an appeal from the order of the collector, there should be provided a limitation as well as an officer to whom the appeal should go. So far as the section relating to the limitation for execution of decrees is concerned, we have removed section 48 of the Civil Procedure Code bodily from it and inserted it in this Bill with the only difference that the digit 6 has been inserted instead of 12. There is no other change in any respect. The section relating to the burden of proof remains the same. As to the registration of money-lenders the Bill provided that they should obtain licences and that they should be registered as money-lenders. Therefore it was essential to give directions to the collector that he shall give a licence and should register his name as money-lender. The reason is that

no collector is bound under this Act to act as we want him to act unless we make necessary provisions for it. Section 21 concerns the rules of procedure. One important provision that we have made is that these rules should be subject to the criticism of the Council before they are enforced. This is nothing new because this provision exists in the Regulation of Accounts Act, it also exists in the Executive Officer Act and it exists in the Land Revenue Act (section 60-A). So nothing new whatever has been added by the poor select committee composed of the unlucky number of 13.

The second thing was—and it was much emphasised by our worthy Raja Sahib—that the Bill has come too soon after the last Bill. My answer to this is that after all there is no limitation for any Bill to follow or to precede another Bill. It all rests on the urgency of the matter. If circumstances demand, we might have to repeal an Act which we have passed only yesterday, but if circumstances are such that they should strengthen the measures that we have already passed, there is no bar on our passing an Act to supplement that Act even on the very next day, if the circumstances are such as have been stated on the floor of this House by many of my honourable colleagues, that they do not brook a minute's delay, and if the position is such that the Act which has already been passed has not been able to give sufficient relief which it was desired to give. Without making any references or casting any sort of aspersions on any honourable court, I would submit one or two instances to show that that Bill has so far failed to achieve the end for which it was passed. I put a number of questions on the floor of this House to the Honourable Finance Member the other day and two or three of them are relevant so far as this aspect of the question is concerned. I asked him as to the number of cases pending in the civil courts of Lahore division only in which judgment-debtors were arrested after the passing of the Relief of Indebtedness Act. The answer was that the number was 45. Within two months, in one division alone, that is one-eighth of the province the number arrested in spite of the Relief of Indebtedness Act is no less than 45. Then, I asked him as to the number of cases in which notices for arrest were issued. The answer given was 1,895. This too only in one division. Again I asked, in how many cases only the affidavits of the decree-holders were considered sufficient to show that the judgment-debtor was "contumaciously" avoiding payment of debts and the reply given was not less than 15 cases. (*An honourable member*: Out of how many?) I do not know. In not less than 15 cases the mere affidavits of the creditors were considered sufficient to put the debtors under arrest. The intention of the legislature was that it should be made practically impossible for the court to put any man under arrest on one pretext or another. But the mere acceptance by the courts of the affidavits of the decree-holders and the putting under arrest of the debtors shows that the relief has not been given in practical shape to the extent to which we intended that it should be given. There is one more aspect of the question. I asked how many people were arrested for decrees up to the amount of Rs. 200. The answer was 22 in one division. Taking only these figures into consideration it is clear that the Punjab Relief of Indebtedness Bill has failed to achieve the object of giving that relief which we wanted to give to the people. Therefore there is a necessity of giving that further relief by supplementing the provisions of the Relief of Indebtedness Act by the provisions of the present measure.

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Another thing which is relevant to the present case is that in a certain case in my district notice of arrest was issued to a man owning 6,000 acres of land. That man on receipt of the notice of arrest appeared in court and said that he would either pay off in instalments or that his movable property consisting of cattle may be attached. The court ordered him to produce his cattle in court. It must be remembered that the man lived in a village about 60 miles from the court headquarters. He pleaded that there was no guarantee that the cattle will not be robbed on the way if he were to bring them to the court and that their value will be reduced by undertaking such a long journey and so he requested that they may be attached on the spot. Where was the harm in the court accepting this request? Further he contended that as long as the cattle were not attached he should not be ordered to produce them in court. This contention was taken to mean that the debtor was "contumaciously" avoiding the payment of the loan and a warrant of arrest was issued. Of course that order was reversed on appeal. Still, this is an instance in which a man even though he offers everything in his possession is taken to be "contumaciously" avoiding the payment of loan and a warrant is issued for his arrest. These facts prove at least that the Relief of Indebtedness Act has not been sufficient to give relief to the poor zamindars.

The next point I wish to take up is the contention that this is a new Bill. That point was sufficiently dealt with by Sardar Arjan Singh. I will only content myself by saying that there is nothing new in this Bill. The principles of the Bill were enunciated in clauses 36, 37 and 38 of the Indebtedness Relief Bill when it emerged from the select committee. The honourable member contended that there are principles incorporated in the present measure which were cut down by the select committee at that time. That is entirely wrong. A mere reference to that Bill will show that the whole thing excepting the registration of money-lenders had been in the Relief of Indebtedness Bill as my honourable friend Nawab Muhammad Hayat Qureshi just now mentioned. Only these clauses were asked to be removed from that Bill by the Government and brought forward in a separate Bill, and that is why this Bill is now before the House. The clause relating to the onus of proof of consideration and the clause relating to the transfer of decrees to the collector were taken bodily from that Bill and inserted in the present Bill. Therefore the contention that the select committee on the previous Bill threw out certain provisions and that they have been brought forward in this Bill is totally wrong. A mere reference to that Bill as it emerged from the select committee will amply prove my statement.

Another point mentioned by the honourable member was that this Bill was most unjustifiable. I would confine myself by saying that this is a very essential measure, rather that it is indispensable seeing the state of things now prevailing and the economic depression which is raging throughout the rural area. The next thing which Mr. Mukand Lal Puri said was that sufficient exemption was already there in the law and there was no need to make any provision to exempt people from certain sort of attachment and other things. If properly examined that statement will be found to be not correct. The only section in the Civil Procedure Code which is relevant to the present

case is section 68 which I will read with your permission—

“The Local Government may declare by notification in the local official gazette that in any local area the execution of decrees in cases in which the court has ordered any immovable property to be sold shall be transferred to the Collector....”

This is only in cases of sale and not of attachment. Honourable members may be aware that no rules have been made by the local Government under this section. It is, therefore, more or less a dead letter. No exemption is provided in the Civil Procedure Code as suggested by Mr. Mukand Lal Puri. Then, so far as the rules for exemption from attachment of the agricultural produce is concerned, no rules have so far been made by the local Government or by the High Court on this subject. I may invite the attention of the House to section 61 of the Civil Procedure Code and to section 70 of the Punjab Land Revenue Act and the High Court Rules and Orders, Volume I, Chapter 12-N, 1(b) and (c). Again as to the land which is necessary to be kept enough for the subsistence of the debtor and his family, attention is invited to paragraph 255 of the Land Administration Manual. The word ‘enough’ has not so far been defined by the local Government or by any other authority. So the law as it stands at present is very vague and it has, therefore, become necessary to codify it in the shape of definite sections, make it more definite and give the rulings on the subject a statutory form. Therefore the contention of Mr. Mukand Lal Puri that there are already many exemptions for the judgment-debtor in the matter of attachment of his property falls to the ground. It is necessary that some sort of provision should be made as no provision has so far been made in the rules under that section.

Another argument which the honourable member for Industries brought forward was that this Bill will spoil the credit of the zamindar and the security of the creditor. It has been argued over and over again that we do not want any credit for the zamindar. As long as there is credit for him he will go on borrowing. He will even mortgage paradise if he can lay his hand upon it as a security of his debts. No less an authority than Mr. Calvert has said in his famous book, “Credit holds up the debtor as the rope holds up a hanged man.” I may submit that unless this so-called credit is obviated, we cannot have any sort of amelioration of the financial condition of the zamindar. If he has no security, why should the creditor advance any loan at all to him? The real truth is that money-lending is the most profitable profession in the province. It is even more profitable than investing money in commerce or industry. The money-lender will not leave the debtor unless the latter has taken some loan or other.

The honourable member for Industries also contended, “Why should we feel, so to say, for the interests of the poor debtors. The debtors are wide awake and can look after their own interests much better than anybody else can do.” He also contended that if this measure is passed realisation of the loans will become very difficult. Again I will urge the same reply. If realisation is very difficult why should the money-lender advance any loan at all? What is the present condition of the zamindar? The poor tiller of the soil has lost all interest in his business as a zamindar. He has lost all hopes of claiming a single pie as his own. Therefore he is practically giving up the profession of agriculture. When this is the state of affairs, I do not know how realisation is easier now than it will be if this measure

[K. S. Ch. Riasat Ali.]

is passed. After all the money-lender is dependent on the flesh and blood of the poor debtor and it is in his interest that the poor debtor should be kept alive just as it is the interest of the lion to keep alive the goat and of the hawk to keep alive the partridge. Unless there is somebody to enable you to roll in wealth how can you grow rich? How can you move about in the "Rolls Royce" without our supplying you the means of it? Please allow us zamindars to live. Allow us to remain in a position in which we may be able to feed ourselves and also feed you. This reminds me of a *misra*—

گر ہم نہ ہوں تو ناز تمہارے اٹھائے کون

I think I have sufficiently met the point of Mr. Mukand Lal Puri so far as realisation of loans and the losing of security is concerned. Let not the money-lenders lend us anything. We do not want any loans.

At this stage the Council adjourned till 2-30 P.M. on Friday, 22nd November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 22nd November, 1935.

The Council met at the Council Chamber at 2-30 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

Mr. S. G. Stubbs (Deputy Chief Engineer, Public Works Department, Buildings and Roads) was sworn in.

SHORT NOTICE QUESTION AND ANSWER.

TWO PAPERS A DAY IN THE UNIVERSITY EXAMINATION.

Shrimati Lekhwati Jain : Will the Honourable Minister for Education be pleased to state—

- (a) whether Government is aware that the University of the Punjab has decided to hold two papers a day for the degree and intermediate examinations ;
- (b) whether Government is aware that previously also the University decided to do the same but on the agitation of the students had to rescind the same ;
- (c) whether the Government and the University authorities have received various protests against this decision ;
- (d) whether it is a fact that meetings have been held protesting against this decision of the University ;
- (e) whether it has been represented to the Government that the practice of holding two papers a day in the months of April and May will entail great hardship on the examinees and put them to great inconvenience ;
- (f) what action Government proposes to take in the matter ?

The Honourable Malik Sir Firoz Khan Noon : (a) Not officially but it appears from the papers that this is so.

(b) No. Government understands that rescinding of the previous orders was due to the fact that it was felt that the students had not received sufficient notice.

(c) Yes, so far as the Government is concerned. Government has no information in regard to the university.

(d) Government has no information beyond what has appeared in the Press.

(e) Government is aware that the proposed change is not welcomed by some of the students.

(f) The honourable member is aware that when she did not move her adjournment motion Government promised to draw the attention of the

[Hon. Malik Sir Firoz Khan Noon.]

Vice-Chancellor to the representation, though it must not be assumed that Government disapproves of the change. Since then this has been done. It may also be pointed out for the honourable member's information that the matter rests entirely in the hands of the Syndicate which consists of 17 members of whom 9 are non-official. With all the goodwill in the world it is not possible for Government to interfere in this matter. The proper course for the honourable member is to move some member of the Syndicate to raise the matter again.

THE PUNJAB DEBTORS' PROTECTION BILL.

Mr. President : The Council will now resume discussion on the motion of Rao Bahadur Chaudhri Chhotu Ram that the Punjab Debtors' Protection Bill as reported by the select committee be taken into consideration.

Chaudhri Allah Dad Khan (Ambala division North-East, Muhammadan, Rural): I rise to support the motion under discussion. A good deal has been said by the party on my left as to the misery to which the money-lenders will be put and other matters. I need not go into them as they have been answered. But I want to put one observation before the House and that is that we must make an attempt to save the zamindars from utter ruin and collapse. If the facts which I give prove that the zamindar is on the brink of a collapse, I think all members should support this measure. My friends on this side have quoted Mr. Darling and really he is the chief authority on indebtedness. They have quoted only figures and facts without mentioning the conclusions which he has drawn from those facts. It now remains for me to state the conclusions. In 1922 Mr. Darling estimated that the zamindars owed a debt of 85 crores. Then in 1929 he again made an estimate and found that the zamindars owed a debt of 135 crores. Then in 1934 he again made an estimate and found that the zamindars owed a debt of 200 crores. From this he drew various conclusions which I will state now. He says that the interest on this amount at 20 per cent. per annum comes to Rs. 40 crores, that is about 13 times the land revenue which is about 3½ crores. The plain conclusion of this is that when the zamindars cannot pay 26th part of this, being one instalment, how can he pay 26 times as big a sum as the land revenue. They can never possibly pay. Look at this in another way. Suppose the zamindars were to make an attempt to pay off their debt by selling all the land that they possess, then let us see how it would work. The area of the land cultivated in the Punjab is roughly 3 crores of acres and if the zamindars sold all that land the amount of debt per acre would come to Rs. 67. It can very well be shown that the whole of the agricultural body is not under debt, for there are many agriculturists who are themselves money-lenders and as Rao Bahadur Chaudhri Chhotu Ram showed the other day, more than half the number of money-lenders are agriculturists. Therefore taking a rough calculation that half the land belongs to those men who do not owe any debt or who are money-lenders, there remain only 1½ crores of acres of land and on this basis the debt would be Rs. 134 per acre. Now the average price per acre in the market, taking the figures

for Lyallpur, is Rs. 100 per acre. Therefore even if the whole of the land of the debtors is sold, it will not pay off the debt. Even in that case much of the debt of the zamindar will remain unpaid. Now let us take the question of interest. The interest on this amount at 20 per cent. as I have said before comes to 40 crores of rupees every year. Now he made a calculation of the average holding, taking the figures for Lyallpur, and it is about 12½ acres per landholder and the income from this comes to Rs. 87 per annum to the owner if he cultivates with his own hand; but if he does not, giving to the tenant at half rate of *batai*, his share comes to Rs. 43. Now, the amount of debt per owner has been estimated to be Rs. 600 per annum on which interest comes to Rs. 120, whereas his income is only Rs. 87. Therefore even if he pays out all that he gets from his land, he would not be paying the interest and even in respect of interest Rs. 33 is outstanding each year. So in that way even if the whole of the income of the owners who are under debt is paid away, it will not meet the interest charges. Still this figure is an average figure and we know that in practice even much higher rates are charged. On an average a tenant owes a debt of Rs. 200 and the interest at the rate of Rs. 20 per annum comes to Rs. 40, whereas his income is only Rs. 43 and Rs. 3 is not at all sufficient even for the seed. Therefore even if the tenants and owners who are under debt pay the whole income which they get from the land throughout the year, it will not be sufficient to meet the charges of interest alone. Therefore the principal would remain where it is. It cannot be said, let this principal be hanging on and the money-lenders will not press for payment of the debts. Even after the Act which we passed last year there have been so many arrests and detentions in civil prisons as my honourable friend from Gujranwala, who is not now here, told us yesterday. He said that in a number of cases men were sent to prison even after the passing of that Act. If this further relief is not afforded to them, imagine the condition of the debtors. Now an attempt was made on this side to show that the zamindar is merely making a hue and cry for nothing, but probably the calculations which I have now given were not present in their minds and so they raised so many objections. Let them now pause for a moment and consider these facts coolly and calmly and then they can realize that if the agriculturists who are debtors were to be saved from utter ruin and collapse, the present Bill is most necessary and essential and this fact I hope the members on the front benches will also note. If they do not make an attempt to save the zamindar from utter collapse and ruin, they will find the whole administration coming to a miserable end. Without the zamindar being in a good condition, the Government cannot go on. This is the crying need of the hour and if we do not pass this Bill the zamindar will not be there, in the Punjab, at least. If anything, my estimates err on the side of under-estimate and they are by no means an over-estimate. Further these figures are for 1934 and by this time the amount of debt must have increased a lot more. If these figures are right, then it is the duty of every honourable member of this House, not only the zamindar members but also the other non-zamindar members, to support such measures as this Bill. We should not be sorry indeed that we have given this help to the zamindar. Indeed there is no help for it. If these figures are to be taken into consideration, then there is no other way to save the zamindar.

[Ch. Allah Dad Khan.]

As for the other arguments which have been quoted by my friends on this side, some answer has already been given. As I understand the honourable member, Mr. Mukerji, he said there is nothing new about this Act except the reduction of the limitation period of decrees to six years and the giving of powers to the collector.

Rai Bahadur Mr. P. Mukerji : I did not say so, Sir.

Chaudhri Allah Dad Khan : I noted very carefully what he said.

Mr. President : When the honourable member denies having made a statement, he should be believed.

Chaudhri Allah Dad Khan : Without mentioning his name I say that this is a new argument which is only a new feature of the opinions about this Act. The period of six years is not so very bad for money-lenders. During the 12 years the decree becomes old and people think that there is a long time ahead and they do not make any serious effort to recover it and if the period is shortened, they will make greater efforts and realize their amount. The zamindars will pay whatever they can within these six years. What is the use of harassing zamindars for 12 long years? Another reason why this period is necessary is that decree holders have been doing things with a vengeance during the twelve years. They have brought execution on such occasions as the marriage of the daughter of the debtor; when he is engaged in the reception of the party, the warrant of attachment is brought in. Such improper scenes should be put a stop to and if we cannot altogether stop it then we must make the period shorter. Then comes the question of giving this power to the collector which is not an unwholesome provision. Perhaps the honourable member is not aware that when a man makes a report he reports recklessly and puts everything in without undergoing much trouble or effort in verifying his facts. But when a man has to pass a final order, there is a sense of responsibility weighing upon him and he weighs his words and considers more carefully than when he makes the report. Thus the deputy commissioners will take greater care and exhibit greater sense of responsibility than they have shown hitherto if these powers are given to them. Now what happens is this. The deputy commissioner has to report. He does not care very much and takes a great deal of time in making his report; besides, there are many deputy commissioners who pass on a report to some subordinate officer who I know it from my own experience is a tahsildar or a naib-tahsildar and the deputy commissioner does not care very much to scrutinise it, but if this work is to be done by him, he will know that now the entire responsibility is on his head and if he passes a wrong order it will probably injure the decree-holder or the judgment-debtor and so he must weigh both the sides very carefully and bring more care and caution to bear on the matter. This provision therefore should be welcome. The deputy commissioner, as is well-known, is a senior officer and he will do much better than a junior sub-judge in the matter of execution of decrees. If you do not exclude senior sub-judges who have been long in service the junior sub-judges should surely be excluded who will pass very incorrect orders. The arguments against this view hold no water and the National Reform Party should accept this suggestion, because it is useful. Then

the other question is the question of credit. They have spoken repeatedly on the question of the loss of credit. I do not understand how credit would suffer. As pointed out by honourable members on these benches, if the money-lenders are honest, they should have no fear. If anything, the loss of credit would be a loss to the zamindars and not to the money-lenders. Why should the representatives of money-lending interests be more anxious to extend the credit of the zamindars. If the zamindars do not deserve such trust let them withhold it. This reminds me of the story of the jackal which was once aimed at by a shikari. The jackal said to the shikari, "Do not kill me, for as soon as you kill me the world will come to an end." At first the shikari really thought that there may be something in this jackal, he may be a supernatural creature, but then he said alright let us see the day of judgment and accordingly shot the jackal down. When he was dying and there was no sign of the day of judgment arriving the shikari asked the jackal where was the end of the world and why it had not arrived. The jackal answered the end of the world for him had arrived and passed away. Similarly when loss of credit and harm to the people is talked of by the passing of these measures, I believe what is meant is the harm to these money-lenders more than to the debtors. Money can do hundred and one things. If money-lending is not profitable then turn to something else. Many of the money-lenders are turning to better things and more profitable things. Money-lending after all is a passive job. It makes money-lenders do nothing. He simply enjoys the fruits of another man's labour and undoubtedly a money-lender is a parasite and if not all of them, many of them are very bad parasites. Moneyed people are now turning their head to other things. Our late Chief Justice, Sir Shadi Lal, has started a number of factories which are working very well and our Minister for Local Self-Government has started factories. These are examples of moneyed people taking to more profitable professions.

The Honourable Dr. Sir Gokul Chand Narang : I am not a money-lender, nor is the late Chief Justice, Sir Shadi Lal.

Mr. President : The honourable member will please speak to the motion.

Chaudhri Allah Dad Khan : I am giving an example, that if a man has money he will take to so many things and if the Honourable Minister does not like my mentioning him, I will take another man's case. Everybody knows that if they stop money-lending, they can do many other things, and more profitable things. But a zamindar cannot live without money and cannot live a care-free life. If therefore a man cannot live an honest and respectable life, it is better for him to die than to have the debt hanging always on his head. What is the existence of a debtor? It is most miserable. He has no honour, no peace of mind and every time he has the fear of his creditor before his mind. It is better to spend less and deny many comforts of life than incur such a heavy debt which spoils one's life. So this loss of credit will be an advantage both to the zamindar as well as to the money-lender. If zamindars once make it a habit not to borrow money, I think everything will be well with them. They need only curtail some extravagances in which they indulge only because of being able to get cheap credit and easy credit on occasions of marriage of their sons or daughters. This stopping of his credit will

[Ch. Allah Dad Khan.]

do him more good than many social reformers can do with their lectures and talks. What lectures have not done, the loss of credit will do and it is not a disadvantage. If obstacles are placed in the way of passing of this Act, I think it will be bad both for the money-lenders and the debtors. The sooner this Act is passed the better it is. If the zamindars are well off, or at least living an honourable life, they can pay whatever little they can. I think this is to the advantage of the money-lenders. With these words I support the measure under consideration.

Rai Bahadur Lala Sewak Ram (Multan division, non-Muhammadan, Rural): The law point in the Bill has been fully thrashed out by such an able lawyer as my friend on my left and he has shown to the Council what a defective piece of legislation this would be if it is passed into an Act. My friend from Rohtak is a lawyer of some eminence and he understands what is a good law and what is a bad law, after hearing my friend on the left, I am sure he would have realized the correct nature of this law. I am not going into the defects of this Bill now, for, whatever I had to say about this I said last time when I spoke on it and whatever else I have to say I will say when the Bill is taken into consideration clause by clause. My friend from Rohtak has appealed to the Government and to our party, to this party and that party to somehow pass this Bill. When a person has a weak case, he generally goes from door to door begging for mercy. That is the exact position in which my friend from Rohtak stands. Having a weak case he implores the Hindu Sabha group and Sikh party. What is this? If you have a good law which is useful to everybody come out with your arguments. Why appeal to the mercy of the Hindu Sabha group or the Government? As regards his appeal to the Government I wish to say something. The British Government in this country is out to do justice, even-handed justice, to all the subjects of His Majesty who are under their charge. It is said so in the great Proclamation of Queen Victoria the good that even-handed justice will be given to all her subjects and it has been so given ever since 1858 when the Proclamation was made. Now, what do we see in this province? Ever since the second Council under the Montford Reforms, we find that minorities are being oppressed in every possible way. Why are they being oppressed? I should like to ask this of the Government. Is it that Government wants always to see the fun by trying to put one community against the other? If so, is it not sufficiently satisfied with the fun for the last 12 years? In the first Council this Council was not at all communal, in the second half of the second Council communalism began to appear and ever since this has been increasing. I hold the Government responsible for communalism in this province which has been going on for the last 12 years.

The Honourable Mr. D. J. Boyd : Do you really ?

Rai Bahadur Lala Sewak Ram : If this Bill is passed that will be clear proof that Government are partial and they want to oppress the minorities. Now you know it very well and the lawyers that are sitting on Government benches, like the learned Legal Remembrancer and the Honourable Minister for Education and others who know law will tell you, that the passing of this Bill will only mean oppressing the minorities. What will happen? The minorities oppressed in one way will try to achieve-

their point in other ways. I should say here that those whom you wish to oppress in this manner possess better brains than their oppressors and it is their brains that have stood them in good stead for a long time through all the attempts at oppression; what have the Land Alienation Act, the Regulation of Accounts Act, and lately the Relief of Indebtedness Act done? This Bill is like its predecessors, though it will remain a dead letter, as it is a useless kind of measure. Have you been able to kill the minority, have you been able to kill the money-lender? I do not think that by this measure you will be able to kill those whom you want to kill. The blame for this will lie at the door of the Government that they have encouraged the majority, that is, the zamindar party with whom they are in clique and have helped the measure on its way to the statute book. If they succeed what the result will be we can very well guess. After all, how long can oppression succeed? The day will come when the oppressed will also have their turn. I do not wish to offer any threat, but I only wish to bring to the notice of Government that the blame lies at them alone for offering this encouragement. The Government have lent their support for all the retrograde measures of this kind in the past and I would request Government not to join their hands any longer in this unholy business. In passing this Bill they are surely trying to oppress the communities which are already suffering under other disabilities and such oppression will always have evil results on the Government. I also appeal to Government in the name of justice, in the name of the Proclamation of the Great Queen, that enactments of this nature should not be allowed to be passed. Otherwise what will happen is, *tang amad bajang amad*. That will be the inevitable result if one community is oppressed for long. I do not wish to go into the details of this Bill for there will be plenty of time for that later, but I will resume my seat after once more requesting Government to be just and fair to the minority community whose destiny is placed in their charge at this moment and to be fair to everyone.

Chaudhri Ram Sarup (North-West Rohtak, non-Muhammadan, Rural) (*Urdu*): I hope I shall be excused if I say that the speeches so far made by the opposition and particularly the speech made by the lady member were all meaningless. The honourable the lady member freely indulged in taunts in her speech and said with all the force that she could command that this Bill, introduced by the honourable member from Rohtak, was in fact intended to wipe out all debts due to the sahu-kars. I really fail to understand the attitude and the mentality of the lady member and others who are of her way of thinking. There is nowhere provided in this Bill that debtors will be at liberty to refuse to pay their debts. Of course it is true that this Bill is intended to stop the dishonest money-lenders from continuing to get back Rs. 50 while they advanced only one rupee and so on. This Bill will not in future allow such money-lenders to suck the blood of the poor zamindars nor will it allow them to get fat at their cost. It will not be denied that there are sahu-kars in this province and the number of such sahu-kars is pretty large who have been indulging in corrupt practices and who have managed to grow so rich and also so fat that if one were to have a look at them from some distance, one is likely to mistake them for mounts. It is to extirpate such money-lenders that this Bill is in-

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tended to be placed on the statute book. It is not at all the intention of the Bill nor is it the intention of the mover and supporters of the Bill that the recovery of the reasonable amounts of loans should be made impossible. Therefore the honest money-lenders need have no fears. Their interests are quite safe. As I have said before, we are, of course, not prepared to tolerate the existence of the dishonest money-lenders and it is for that reason that deputy commissioners are being empowered to forfeit the licence of such money-lenders even after they have once obtained a licence to deal in money-lending.

A storm of opposition has been raised against the provision in this Bill exempting ancestral property from attachment. I wonder why so much hue and cry has been raised against this provision. It is not a thing which may be called out of the ordinary. The law already permits a man to dispose of his property not inherited by him in any way he likes. He can disinherit his own sons so far as that property is concerned and if now it has been considered proper to give a similar right to the sons to refuse to pay the debts incurred by their fathers to lead a life of luxury, I do not see any reasons why we should oppose such a right being given to them. It is one of the salutary provisions and we must, therefore, welcome it.

The honourable the lady member has been pleased to say that many zamindars have either themselves gone to England or have sent their sons to England for education borrowing money from the sahukars and it is not just that such zamindars or their sons should now refuse to pay that money which was advanced to them at the hour of need. But it is wrong to say that. At any rate it is an exaggerated view of the thing. There may be one or two such cases in the whole of the Punjab, but I can give any number of instances of men, who were either themselves money-lenders and who were the sons or relations of money-lenders, who have gone to England and have squandered money originally belonging to the zamindars and snatched by them by fair or foul means. It is, therefore, clear that it is another flimsy argument which the honourable lady member has advanced and we should not give any weight to it. Similarly we should give no weight to the argument advanced by the honourable nominated member from Amritsar who has said that this Bill and other similar legislations have adversely affected the trade of the province. I ask the honourable member, where was that trade going on which has been adversely affected? There is already so much slump in the markets and all trade and business are practically at a standstill for the last so many years for other causes which have world-wide effect. This Bill and other similar measures have certainly nothing to do with this slump. For similar reasons there are few employments to be found in these days and if that is so, it is not because this Bill has been brought forward before the Council. It will be foolish to attribute to this Bill or other measures of this nature the present economic condition as it will be foolish for a zamindar, whose buffalo happens to fall ill, to say that that buffalo has fallen ill because it has been contemplated to place this Bill on the statute book.

Effort has been made to create a sort of fear in our minds by saying that if this Bill is passed, the poor zamindars will not be able to obtain any help from the money-lenders and consequently they will not be able to do the

work of tilling the soil. It has also been said that eventually they will begin to starve. I wonder at their solicitude for the welfare of the zamindars for whom they have never uttered one good word even in their most unguarded moments. I ask since when they have come to cherish such feelings for the zamindars and have begun to feel for them like that. Through you, Sir, I may tell these honourable members who are opposing this Bill on this ground that the zamindars produce so much of wheat and cotton every year and, therefore, they have got plenty to eat and cover their bodies with and these are the dire necessities of life which must be provided to enable a man to keep his body and soul together. And these zamindars have got in plenty as I have already said. Therefore the honourable members need have no worries on that ground. I know that in fact they are worrying for themselves and not for the zamindars and this sympathy for the zamindars is only a garb to give vent to their innermost feelings. They know that if this Bill is passed, the sahkars whom they represent here, will not be able to get fat at the cost of the zamindars as before.

These honourable members have also accused the Government for supporting this Bill. I fail to understand why the Government should be so accused for doing its duty. Is it not the duty of the Government to stop corruption wherever it finds corruption going on? It is not a secret that many of the sahkars are very corrupt and if the Government has thought fit to put a stop to their corrupt practices by extending its support to this Bill, it has only done its duty. Therefore these honourable members are not at all justified in accusing the Government for its attitude towards this Bill. With these words I give my whole-hearted support to this Bill.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (Urdu): This Bill, if I may say so, is being supported and allowed to grow and assume the form of a *billa* (he-cat) so that it may easily swallow the meek, well-behaved and peace-loving sahkars as well as the poor zamindars who may be likened to sparrows. I am inclined to think that a sort of conspiracy has been hatched to cut at the root of money-lending business and to destroy the money-lenders who are very useful members of the society and who have been always helping the zamindar in his hour of need. These sahkars might have looked for support from the zamindars, but the zamindars are simple and unsophisticated and they are being led to believe that this Bill and other similar measures are sure to bring prosperity to them. These poor fellows do not know that a net is being laid for them and that the big landlords are anxiously waiting for an opportunity like the crocodiles to devour them. These big landlords certainly desire that the coast should be made clear for them and it is for that reason that the registration of money-lenders is being made compulsory. I am also inclined to think that these measures are being introduced in view of the impending elections when these members who are supporting such measures will be able to say to the voters that they had done this and that for them in the Council and that on that ground they alone deserve their votes. In short these are propaganda measures to deceive the ignorant masses.

As an argument in support of this Bill it has been said that the number of creditors in the province does not exceed forty thousand and if by sacrificing them, we can save 2½ crores of debtors from misery and starvation, we

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should not hesitate to do so. I ask the honourable member from Rohtak who is so very fond of advancing this argument whether this is the only way in which he can bring about an uplift amongst the zamindars. Has he exhausted all other means to bring about their salvation? If he really loves the zamindars and if he does not hate other communities, he ought to have searched for other means to achieve this end. What I really cannot understand is his feelings of so much hatred for the sahkars and the community to which the majority of these sahkars belong. Unfortunately, as I should say, this community happens to be peace-loving by nature and its nobility of character is being attributed to its cowardice. Otherwise the honourable mover of this Bill could not have the courage to openly suggest that the zamindars must be saved even if 40 thousand sahkars go to dogs in the attempt at saving the zamindars. If he is so bold and so courageous, why has he never suggested that the handful of Europeans should not be permitted to rule over us? If he had done that he knows that he would have been hauled up before a court of law under section 124, Indian Penal Code, or some such other section or at any rate his movements would have begun to be watched by the Criminal Investigation Department. He has advocated the destruction of the sahkars because he knows that he can do so with impunity. Some of us have begun to feel that this nobility of character of the Hindus is becoming the cause of our ruin. We are dragged in and harm is done to our interest in every affair even if we may have no concern at all with it. If the Shahidganj trouble began, the Hindus were boycotted although it was a matter between the Muslims and the Sikhs and if the trouble about a piece of land has arisen at Jhabbal, the Hindus are advised to suffer although they have got a decree of the highest court in the province in their favour and against the Sikhs, the other contending party but the Sikhs forcibly lay fields desolate. For how long do you expect the Hindus to continue to suffer at every step? For God's sake do not tax their patience and do not compel them to change their present peace-loving habits.

Yesterday in the course of debate an honourable member was pleased to say that the zamindars were honest and that they had paid back their debts even in some cases where those debts had become time-barred. I admit that there are some zamindars who are honest and who would always like to pay back the money taken by them on loan. I know from my own experience that some zamindars are so honest that on their creditors suggesting to them that their debts should be written off because they were not in a position to pay those debts, they have not agreed to that suggestion and have pleaded that for them and for the sake of their children they should be spared that ignominy. I have known zamindars saying that if they will not pay the debts incurred by them, their sons will pay for them. But this Bill and other similar measures will certainly have a very bad effect on the will to pay of even the honest and solvent debtors. This Bill will in a way encourage people to be dishonest and to be cheats. Who knows that this vice may not become very common and eventually a menace for the Government? The Government, therefore, must pause and consider before it blesses this Bill. We must also take into consideration that this Bill will prove a great handicap for the poor weavers and the chamars and the like. At present when these classes of labourers can get a loan of Rs. 10

or Rs. 20, they manage to earn a living for them. A weaver goes to a sahu-kar and obtains from him say Rs. 10 on the promise to return it as soon as the cloth, for which he must have the yarn and other necessary things, is ready and is sold. On that promise he gets a loan of money he requires and returns the same of course with some interest and also saves something by way of his labour from the bargain. Similarly a chamar goes and gets loan for purchasing leather for preparing shoes and gets some gain out of the bargain. But after this Bill is passed, these poor labourers, as I should call them will not be able to get loan and will most likely starve and curse those who are responsible for sponsoring this Bill. I say that in considering this Bill we must not forget such people who equally deserve our sympathy and protection by the Government. It must be also borne in mind that the sahu-kars whom you now hate so much have been your saviours. They have helped you at times when the question of your honour was involved and they have rendered that financial help by denying to themselves even full meals and by walking bare-footed in the streets. I ask, is this the reward you propose to give them? Does it behove the zamindars who have been helped by the sahu-kars at every step to treat the latter like that? If you insist on passing this Bill you will be doing injustice to your own benefactors. I ask if under such circumstances the peasants, I mean the small holders, will not starve and will be able to get seeds to sow their crops. By passing this Bill into law you would encourage the dishonest debtor to evade payment of his debts. This Bill may benefit Khan Bahadurs or Sardar Bahadurs but it is not going to benefit the poorer classes of the province. As you know, it is an article of faith with the Sikhs, Muhammadans and Hindus that they should pay back the money borrowed by them from others. When this is so, I wonder why this Bill is being sponsored so enthusiastically.

I do not like to discuss the provisions of the Bill at length but would confine my remarks to its certain objectionable features. The word "trader" includes all business men but I do not see any reason why cattle dealer is left out of it. Moreover it has been provided in this Bill that no execution proceedings shall be initiated or continued after six years have elapsed since the decree was passed. At present the money-lenders refrain from taking steps to have their decrees executed against the agriculturist debtors only because they know and realise that the zamindars have fallen on evil days. But by means of this Bill you want to persuade them to have their decrees executed without any further delay. Do you think that in this way matters will improve? Not the least. It will further straiten the relations of the zamindars and the money-lenders. Another provision of the Bill is that whenever a civil court orders attachment and temporary alienation of agricultural land in execution of a decree, the execution proceedings should be transferred to the collector. In my opinion a sub-judge is as good an officer as the collector. The latter is already very busy and as such will not be able to give much time to execution proceedings. The appellants will have to undergo a great inconvenience in going to the commissioner's head-quarter in order to prefer appeals. I for one consider this provision to be absolutely useless. You have further provided that ancestral land in the hands of an heir shall not be liable to attachment in execution of a decree relating to a debt incurred by his predecessor in interest. It means that temporary alienation of land for a period of twenty years will not be possible.

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But my objection is, why do you resort to indirect methods? Why not provide that the old debts should be entirely wiped off? Under the existing law you cannot attach the house and the agricultural implements of a zamindar judgement-debtor and if the ancestral land in the hands of an heir shall not be liable to attachment in execution of a decree relating to a debt incurred by his predecessor, it means that you will not be able to proceed against the agriculturist debtor in any way and the rulings already in existence on the point shall cease to have effect. You have further provided in the Bill that the burden of proving that any consideration entered in a bond or promissory note or in any other document, actually passed shall be on the creditor. It is against the present practice. When a document has been executed not by the creditor but by somebody else and it has been signed by the debtor, I do not see any reason why the burden of proving that the consideration has actually passed should be on the creditor.

One thing more and I shall have done. It has been provided in the Bill that the collector in each district shall maintain a register of licensed money-lenders in his district. Obviously this provision will be a source of great trouble. Supposing a friend or a relation of a money-lender registered in Kangra comes from Jhang or Gujranwala to borrow some money from the latter. The latter will not be in a position to lend money to the former unless he gets himself registered in Jhang or Gujranwala as the case may be. I therefore submit that is a useless provision. It is further provided in this Bill that trees and standing crops with the exception of sugarcane and cotton crops shall not be liable to attachment. Here also I do not see any reason why two important crops, that is sugarcane and cotton, have been excepted from the operation of the Bill. These crops are the paying crops and if the zamindar ceases to sow these crops I fail to understand how he will fare in these days of acute depression. In the end I would submit that the Bill if passed into law will seriously hamper the trade and business of the province. You have already shut the doors of government service against the money-lending classes and you have also debarred them from purchasing lands under the Punjab Land Alienation Act. Now you intend to ruin their business. I ask, how will they be able to keep their soul and body together? Kindly take mercy on them. With these words I close my remarks and quote the following verse which suits the occasion.

آپ تو ظالم پہ ظالم کہے جاے ہو
مجھ پہ تاکید پہ تاکید کہ فریاد نہ کر

Chaudhri Bansi Lal (Lahore city, non-Muhammadan, Urban) (*Punjabi*):
The Bill introduced by Rao Bahadur Chaudhri Chhotu Ram aims at ruining the money-lending business in the province. Supposing a zamindar's cattle die and he comes to a sahukar for borrowing money. The latter will, if this Bill is passed into law, refuse to lend money to the former. I ask, how in that case will the zamindar be able to carry on his work without cattle? Another very stringent provision made in this Bill is that the collector in each district will be required to maintain a register of licensed money-lenders. Only the registered money-lenders will be allowed to carry on their business. It will seriously harm the credit of the country. One having no credit commands

no respect (*hear, hear*). You are creating hardships for the money-lenders but you leave big zamindars free to swallow up small land-holders. The law should be such that those people who get loans should be made to pay and those who give loans should be made to receive them back with a reasonable amount of interest. It should be made impossible for the debtors not to pay their liabilities and it should also be made impossible for the money-lenders to charge more than their just dues. At present if a sahuکار advances a loan of Rs. 100 to a zamindar he charges Rs. 200 after a year and Rs. 300 after two years and Rs. 400 after three years. This is very unfair and should be remedied. Then the illiterate persons have to affix their thumb impressions on the account books of sahuکارs in place of their signatures. By this practice much deceiving becomes possible. A law should be made that the sum of interest should in no case exceed the sum actually borrowed. If the loan is of hundred rupees the total amount payable including the interest should in no case exceed Rs. 200. (*An honourable member* : Such a law has already been passed). Then, another evil is that if the house of a debtor is to be attached and its price is Rs. 10,000 the sahuکار attaches it for only Rs. 500. Some steps should be taken to stop such sort of misdoings on the part of the sahuکارs.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Mubamadan, Rural.) (*Urdu*) : Before I say anything with regard to the Bill under consideration I would like to thank Rao Bahadur Chaudhri Chhotu Ram Sahib for the wholesome measure which he has brought before the Council for the protection of the debtors as well as for the safety of the money-lenders. This reverend and pious gentleman deserves to be heartily congratulated for the initiative which he took in moving a measure which will certainly promote good will and good feelings among the various classes of the people who lend or borrow. I sincerely feel that a measure like the one at present under consideration is very necessary in the interest of the peace and tranquillity of this province. He also deserves all praise for the manner in which he has most tolerantly withstood the personal attacks made on him by the critics of this Bill.

After making these remarks which I felt in duty bound to make, I proceed with the real issue before the House. First of all we must see how far this Bill relates to sahuکارs. The Hindu benches are labouring under a very serious mistake and it is that they think that this Bill is mainly meant for them, and its application will prove detrimental to their interests alone. Chaudhri Sahib is a Jat by caste and amongst the Jats there are many persons who carry on the profession of money-lending. No such consideration that Jats are also money-lenders entered his heart when he framed this Bill or when he moved this Bill in the Council. Not only are there Jat money-lenders but there are money-lenders who belong to all castes whether Muslim, Hindu or Sikh. This Bill will affect them all equally and not particularly the Hindu money-lenders. Money-lenders who are honest in their dealings need not fear the provisions of this Bill. They will in no way harm their interests. It will only have the effect of making it impossible for the dishonest money-lenders to practise deceit in their dealings with the poor zamindars. The Hindu benches are much perturbed at this Bill and this shows that there is something wrong on that side which is the cause of this perturbation. Why are not the other classes of people upset by this Bill ?

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They also carry on the profession of money-lending. Why are the Hindus alone disturbed at the prospect of this Bill's passing into law? You will forgive me if I say, that their conscience is not clear and in their heart of hearts they know that this Bill will form an effective check on their dishonest dealings. Let me assure them that they will also derive much benefit if this Bill became an Act. At present when the debts of zamindars become too excessive on account of the fraudulent dealings of the sahuks they become exasperated. Often they kill sahuks or at least give them a sound beating. There have been cases in which noses of sahuks are cut by the desperate debtors. This law will make the sahuks honest and in this way give them protection from the desperate debtors. The debtors become desperate only when by deceit and fraud their debts are made so excessive that their payment becomes impossible. This Bill is beneficial for the Hindus also but a Punjabi proverb—

گدھے نوں نہک دنا کے کہن لگا میرے کن پتوں نے

is too true in their case. The sahuks become rich by the earnings of the zamindars. They get higher education and build palacial buildings with the money which they squeeze out of the zamindars by dishonest methods. Their sons after receiving higher education become members of the legislatures and by their influence protect the interests of the money-lenders. A money-lender always starts his profession by first going to a village and establishing a small shop of oil and salt there. He treats politely all the people of the village and especially the lambardar. He often goes out of his way to please the lambardar. Whenever he has to go out to the town he regularly calls at the house of the lambardars and enquires whether anything is needed to be brought from the town. The lambardar asks him to bring for him a few cheap things from the town. He brings them and the lambardar is pleased. Then slowly and slowly he begins to be dishonest with the lambardar by charging more price for the things which he so often brings for him from the city. By being submissive and flattering he wins the confidence of the lambardar and then he begins to use his influence in dealing with the rest of the people of the village. By and by he wins the respect of all. The villagers begin to trust him and he on his part begins to fleece them. He gets everything from them and they, poor fellows, remain under the impression that the sahuks is a very sympathetic gentleman. This continues for some time and then suddenly all awaken to their loss and find that they are in the grip of the sahuks.

Then, we all know that in our country money does not come from foreign countries as a return for any manufactured articles. We have not got any industries with the exception of agriculture. We send out agricultural produce and in return get money from other countries. This money first comes into the hands of the zamindars but then slowly and slowly passes into the hands of the money-lenders. We have been losing the fruits of our labour in this way. But now we have realized that sahuks without spending their time or labour take away our earnings. This realization has resulted in the Bill which is before the House now or in similar other Bills which have already been passed into law. The representatives of the money-lenders say that this law will work a great hardship on them but they little realize

that it is very necessary to save 2 crores, thirty-three lakhs zamindars amongst whom are included Sikhs, Hindus and Muslims alike, from the clutches of 40,000 money-lenders. It matters little even if any harm comes to the sahukars who are few as compared with the zamindars, because it will help the zamindar who is more useful for the country. Income-tax is not assessed on incomes which are below Rs. 1,000 a year. This concession is given because it is thought that an income of Rs. 1,000 a year is barely sufficient for the maintenance of a person. But the money-lenders do not agree to leave anything for the maintenance of the family of a debtor. If other Hindu members have criticised this Bill I do not mind it but I am really sorry to find that even Shrimati Lekhwati Jain who belongs to a religion which enjoins on its followers not to kill any living being, has also criticised this Bill. This means that although she believes that no living being should be killed she wants to kill a zamindar population of 23,500,000. The Jains put on a bandage on their mouths so that no germ or insect may be killed, but she has made a speech in opposition of this Bill with the same mouth to kill a very large number of human beings. Although she has shown much verbal sympathy for the zamindars indirectly she has not spared them. It is exactly like saying

پنچان دا آکھیا سر منی کے پر پونالہ اوتیہ دا اوتیہ

The sahukars do not keep their accounts like honest businessmen. When a zamindar requires debt the sahukar takes his thumb-impression on his *bahi*, but when he goes to pay it he does not give him any receipt for the loan returned. When a zamindar pays his debt by instalments he is not given receipts for the instalments paid. Whenever the question of squaring up accounts comes and the zamindar tells him that he has paid so much in cash and so much in the form of so many maunds of wheat the sahukar simply says that he has not received anything from him for there is no record of it in his account book. The unsophisticated zamindar feels himself at a loss to give him any reply and silently leaves him. This process continues for a few years and then suddenly the sahukar brings a suit against him in a civil court and obtains a decree against him. Sometimes a zamindar goes to a sahukar and asks him to give him sugar worth 4 annas. The sahukar weighs some sugar, gives it to the zamindar and asks him to affix his thumb-impression on his *bahi* for a rupee. The zamindar without knowing whether he is affixing his thumb-impression for a loan of a rupee or four hundred rupees affixes his thumb-impression and goes away. He only comes to know of it when he is sued in a court of law for the loan due from him. Sometimes it so happens, that a zamindar while passing from a bazar meets a few people. One of them who is a money-lender calls him and tells him that he wants to purchase a buffalo from such and such person and that he may also kindly affix his thumb-impression as a witness. The zamindar extends his hand and the sahukar affixes his thumb-impression on a deed about which the former does not know anything. In village Garhi, tahsil Nawanshahr, a zamindar once stole some melons from the field of Lala Ram Rattan. The thief was caught and brought before him. He was asked to pay the penalty or he would be taken to the police station. The thief had no money to offer, so he was taken to the police station. While the thief was on his way to the thana, he entreated Lala Ram Rattan that he should

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not be taken there and he would pay him whatever he demanded. On reaching home the Lala asked him to write a pronote for seventy rupees. The zamindar executed a deed. He could not pay that amount or interest on it. After three years he was made to execute a deed. At last, the Lala obtained a decree against him for Rs. 700 and realized that amount from that poor zamindar. Many such instances can be quoted to show how the sahlukars fraudulently make poor people execute the deeds.

The zamindars take loans in two ways from the sahlukars. One is by offering agricultural produce in return for things which they buy from them. When the zamindar takes corn to the sahlukar, he buys from him at the rate of $1\frac{1}{4}$ maund a rupee, if the usual rate is 1 maund a rupee. While weighing he shows one maund as thirty seers. If thirty seers cost one rupee, he tells him twelve annas. As the zamindar is quite innocent and illiterate, he accepts the statement of the sahlukars. The zamindar does not take that sum from him, because he wants to buy certain things from the sahlukar. Suppose he wants to buy sugar from him. If the sugar is selling at the rate of 10 seers a rupee, he gives him $7\frac{1}{2}$ seers, and while weighing he gives him 6 seers instead of 7 seers. Thus, for a rupee he gives him only eight annas. The second way in which the zamindar takes a loan is by buying eatables from the sahlukar. The zamindar does not pay him anything. He sells an article of food at the rate of 20 seers a rupee which is being sold one rupee a maund. The sahlukar enters all these things in his *bahi*, but he enters in the account of the zamindar many things like salt, oil, and sugar, etc., which he never bought from him. At the end of the year, the sahlukar makes his calculations and if the total is a hundred rupees, he shows four hundred rupees *plus* interest to the zamindar and gets his signature on his *bahi*. When the zamindar goes to the sahlukar to buy things, he asks him to sign his name under the articles he has bought. The zamindar is so simple that he does not bother to see what is written; he turns his head to one side and blindly puts his signature or thumb-mark. The writers of deeds (*wasiqas navis*) are usually in league with the sahlukars. They write whatever the sahlukar says. The zamindar in his satisfaction that he has got the things which he required, gladly puts his signature on a deed. The sahlukar usually gets a deed executed for a very high sum.

Now I will tell you how the sahlukar gets back his loan. When the time of pressing cane-juice comes, the sahlukar goes to the zamindar's field and leaves there his own man for the preparation of *gur* and *shukkar*. He takes his own vessel also for measuring the juice. Usually this work of measuring the juice is done by the *raabia* of the sahlukar whom he leaves behind him. The *raabia* shows much less measurements than the actual number of vessels. This number is generally written by the sahlukar's man, but as the sons of the zamindar have received some education, this work is now done by them. Therefore, the *raabia*, cannot do much harm to the zamindar and he cannot show less vessels. But he is very cunning and sly. He tries another trick. He quarrels with the zamindar and takes up that measuring vessel and strikes it hard on the balance and weights. As that vessel is made of a thin brass sheet, it is easily bent and the vessel becomes small in size and begins to measure less.

Thus the measurements go on decreasing and the juice ultimately becomes less by many maunds.

The other method is that the sahuکار goes and gets grain from his debtor. If the rate of corn is one maund, a rupee, he gets at the rate of 1½ maund a rupee. This is called the sahuکار's rate. When the corn is weighed, on every occasion he fraudulently weighs nearly 2½ seers more. When the whole corn is weighed, he takes along with him some cattle also of the zamindar which are due to him in payment of his debt. The price is settled between the sahuکار and the zamindar. When the sahuکار takes these things home, the zamindar goes to him to get a receipt for them. The sahuکار refuses to give any receipt and says that these things were taken in lieu of the debt owed to him by his father and grand-father. The poor zamindar goes to the police station and to the court, but nobody listens to him, as he does not possess any receipt. In this way the poor zamindars are exploited and looted. They are often made to write false pronotes. I would request that a small committee consisting of the representatives of the zamindars and sahuکارs to go with me. I will show them how the poor zamindars are robbed and deprived of their little money. Then alone it will be possible to save the zamindars from utter ruin. May God bless my honourable friend Chaudhri Chhotu Ram who feels so much for the poor zamindars. He has very kindly brought forward this Bill to help them. The sahuکارs do not show as much pity towards them as do thieves and robbers.

Again, reference has been made to that clause of this Bill which provides some maintenance for the judgment-debtor and his family. According to the existing law also some land is exempted from attachment for the benefit of the judgment-debtor and his family. But the difference in the two enactments is this. According to the old provision the sub-judge sends the papers to the deputy commissioner. The deputy commissioner sends the papers to the office of the tahsildar. That office passes on those papers to the kanungo. The sahuکارs offer some bribe to the kanungo and persuade him to report that the zamindar has some other means of livelihood. He takes out the cattle of other people for grazing and he does some labour. The kanungo submits a report to this effect. The zamindar is not at all consulted in the matter or informed of it. His whole land is quietly attached. For instance, there is a gujjar in village Burj Phambarrian in tahsil Nawanshahr, named Nabia. Lala Durga Das got his land attached and he got this attachment effected through the girdawar by offering him a bribe. The girdawar reported that the gujjar looks after the cattle of other people and easily makes his living. But the truth is that for the last seven generations no member of his family has looked after the cattle of anybody. He is an old man. His land has been attached: he cannot do anything and he cannot get even food. The sahuکارs oppose this part of the Bill because formerly they could offer bribes and get land attached. But now that this matter will go to the deputy commissioner, they will not be able to do so. I think even if this Bill is passed the case of the zamindars will remain the same as that of a jatti in an old story. A khatri used to go to a jatti to buy ghee from her. He used to take his own weights which were heavier than their actual weight. When the khatri weighed ghee, he weighed 15 seers as 10 seers. The jatti became much surprised, so she brought her own weights. But the weight of ghee remained the same. The khatri said to the jatti

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4 P.M. that she may change the weights a thousand times but whose hands will she bring to bring about the desired change. Similarly, Chaudhri Chhotu Ram may take as much pains as he likes to make laws to help the zamindars out of their financial difficulties but so long as the courts are crowded by the members of money-lending classes these laws will be of no use to them. We all know that members of money-lending classes have a vast majority among collectors, munsifs and civil judges. Therefore, zamindars have no hope of justice from these courts.

Mr. Nanak Chand Pandit : On a point of order. May I enquire what part of the Bill the honourable member is discussing ?

Chaudhri Muhammad Abdul Rahman Khan : I will now come to the question of temporary alienation of land belonging to the judgment-debtor. In this connection I want to point out that sahu-kars adopt harassing tactics to secure the alienation of lands belonging to their debtors and try to deceive the courts as well as the poor debtors. I have already referred to the case of one Nabia Gujjar whose land was temporarily alienated. Now when it is proposed that the existing law should be so changed that the person concerned should be produced before a collector the representatives of the crafty money-lenders naturally feel uneasy as they know full well that such devices which they could adopt in the past will be of no avail in the court of the responsible collector.

It is necessary that the standing crops should be exempted from attachment. Under the present rules the creditors have the power of ruining the poor agriculturists. Recently in the village Barnala Khurd in my ilaqa the standing crops of a person were attached. Rains set in and the whole crop was destroyed. Though afterwards the crop was released on appeal, it was of no practical value to the zamindar whose crop was already destroyed on account of rains. Therefore, the Government should lend its support to the proposal of exempting the standing crops from attachment. In this connection I have to make one more complaint. Under the present circumstances the sahu-kars not only secure the attachment of the standing crops belonging to their debtors but also of those which belong to the relatives of their debtors. It is necessary, therefore, that this practice should be entirely stopped. I intended to draw the attention of this honourable House to various other important points but as my friends urge that attendance on our benches has become larger and we should let the matter be put to the vote of the House, I shall resume my seat after making just one submission more. (*Laughter*).

It is essential that attachment of standing trees should be prohibited by law. We all know that standing trees are a great asset of the cultivator. He uses them in several ways. His agricultural implements like the plough, yoke, body of the persian wheel are all made up of wood and as the poor zamindar cannot afford to buy wood in the market he has to fall back on his trees. If you order that his standing trees should be attached he will not be able to get agricultural implements and therefore he will be subjected to severe hardship. Then the rafters of his house come from his trees. Moreover, this roof of wood does not last long and he has to renew it after every four or five years. If his trees are attached he will not be able to

build his houses. Even if a zamindar purchases a modern steel persian wheel he has to provide a wooden installing apparatus for it. So the Government will do well to lend their support to the provision exempting the standing trees belonging to the agriculturists from attachment.

So far as the provision for the maintenance of the agriculturist judgment-debtor is concerned I want to point out that even at the time of assessing income-tax the minimum income of Rs. 1,000 is taken into consideration. Why should you not make a similar allowance in the case of the zamindar too?

Need I point out that the zamindar in this province is the sustainer of all. The sahkars, the vakils, the barristers, the doctors and people like Shrimati Lekhwati Jain all eat out of the zamindar's earnings. But it is very unfortunate that they should come here and oppose his reasonable demands and even do not let the Government help him. The Government should know that it is the zamindars alone who have not so far started any agitation against it. All other people have tried their best to uproot the Government but the zamindar has not only remained loyal throughout, but he is a strong fortification for the government. The zamindar is not only the backbone of the Government but he is also the backbone of society in this country. Therefore, all should join hands to devise means for bettering his condition.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I regret the tone of this debate. I think this was a debate in which the honourable members should have taken part after keeping themselves quite cool and calm but the discredit of initiating a debate and a tone of this nature must go to the honourable member who introduced the measure and supported it by attacking a certain section of this House. If we carefully consider the debate and the various points put by all the speakers we will find that the real question has not been discussed at all. The point for the consideration of the honourable members of this House and especially of the Government is that the Bill in one part deals with the execution of decrees. It is only the question of the execution of the decree, with which we are dealing, that is, the question of a person who has obtained a decree after having satisfied all the harsh provisions of the Usurious Loans Act and the Regulation of Accounts Act and other legislations of a similar nature. When a decree has been given to a decree-holder the question is whether he shall be permitted to realise the fruits of the decree. You may say all sorts of hard things about the sahkukar or the creditor. These facts are tried by the courts and when after the trial of these points of usurious interests, etc., a decree is passed in favour of a decree-holder, are you then justified in enacting a law which practically deprives the decree-holder of the fruits of his decree? This is the point which the Government should consider and which the honourable members of this Council should have considered whatever hard or bad things they may have said about the sahkukars or the creditors or the money-lenders. This Bill is really an attempt on the part of the judgment-debtors to deprive the persons who have got a decree after spending lot of money and time in courts to deprive them of the fruits of the decree. If therefore you carefully go through the provisions of the Bill you see that there is no justice, no legality, no equity behind most of the provisions of this Bill. This is one part of the Bill to which I will request the

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honourable members to address themselves. The other part of the Bill deals with the registration of money-lenders and the penalties that the money-lenders shall have to pay if they do not get themselves registered. These are the two main points which the Bill has under consideration. I will take up the question of the registration of money-lenders first. The question of registration of money-lenders was taken up by the Legislative Assembly in 1923. Mr. Muhammad Yamin moved a Bill for the registration of money-lenders in the Legislative Assembly in 1923. The Government of India invited the opinions of all the provincial Governments with regard to the registration of money-lenders. The ultimate conclusion arrived at by the Government of India was that the task was an impossible one, not only was it impossible but it was really cutting at the root of rural economy. That was the opinion of the Government as expressed in the Legislative Assembly in 1923. For the benefit of the honourable members who have cut jokes at the expense of the money-lenders or have abused them, I will quote this very important passage which occurs in the speech of Mr. P. B. Haigh who gave a reply on behalf of the Government when this Bill was considered by that august chamber in 1923.

This is what was stated there—

The question of registration of money-lenders was one of the questions specifically considered by the Government of India prior to the legislation that attended the Bill of 1918. All local Governments were then consulted on the matter, and with your permission, Sir, I shall read the replies of some of the local Governments on this subject. They were all unanimous that the definitions of the terms 'money-lender' and the registration of money-lenders were practically unworkable. The Government of Madras reported—

The registration of money-lenders would be a formidable and almost impossible undertaking and would be so far from complete as to be useless. Nor does the Governor in Council consider that any useful results would be produced by compelling money-lenders to keep accounts or give receipts from counterfoil receipt books.

The Bombay Government said—

The problem of dealing with money-lenders in England is totally different from that of dealing with them in this Presidency, and arguments from the success of the money-lenders Act in England are in the view of the Governor in Council full of danger. In England a small and fairly well defined class of professional lenders catering for a comparatively small class of borrowers has been taken under control without difficulty and without interfering with or unsettling the whole of the credit system of the country. In India practically everyone with a little money in hand lends it out, and the agriculturist who has saved a few rupees is often quite as rapacious as any sahukar. Registration of money-lenders would represent enormous difficulties in India and in fact may be said at once to be impracticable. Even to arrive at a satisfactory definition of 'money-lender' would be a hopeless task.

The Burma Government—but I will not read, Sir, any more of the opinions in detail,—was of the same opinion. The Central Provinces Government was of the same opinion. The Lieutenant-Governor of the United Provinces thought that "all ideas of registering money-lenders, insisting on their keeping books and the like are quite out of the question."

That was the opinion of the various Governments and the Government of India. Then with regard to rural economy, he says—

Now I ask the House to consider the amount of oppression and extortion that that sort of thing might lead to. The whole result would be to interfere to a very great extent with the money-lending system of the country, and I would ask honourable members to remember as no doubt they will remember, that, whatever hard things may be said against money-lenders as a class or individuals in particular, the fact remains that the money-lender is one of

the most useful members of society in this country. The honourable members say : " Question ! But how is a vast agricultural country, especially in those tracts where the ryotwari system is prevalent, how is it to be carried on at all if money is not available for agriculturist ? Agriculture cannot be carried on without borrowed capital. The honourable member says : " co-operative societies ! " How many co-operative societies are there as yet in this country ? Does he not realise that co-operative money-lending, in spite of the great strides that it has made is still in its infancy, and that, if we were to strike a blow at the common system of lending money in this country, the result would be disastrous ? "

That was the opinion of the Legislative Assembly and the Bill was rejected on the motion of Government and was not even permitted to be taken into consideration. So strong, so well-founded, so unanimous was the opinion of the provincial Governments that the Government of India had to bow before it.

In 1925 the question of the registration of money-lenders was taken up in this Council. A Bill was moved by Mr. Maqbul Mahmood in the Council and it was stated then on behalf of the honourable members who were our predecessors here that that was really a Muslim measure and it was fully supported by statements which had appeared in the Muslim press. I do not want to repeat what was then stated by me but I then urged that it was really an effort on the part of the Muslim members of this Council to cut at the root of lending money on interest. And the honourable member who has just sat down whose speech was cheered by the Muhammadan members said that the question of interest should be dealt with in such a way that nobody should be able to lend money on interest in the future. That was a clear indication in the speech of not only the honourable member who preceded me, but other honourable members who had spoken with a feeling of heart. Undoubtedly there is a conflict of civilisation on this point. On the one hand you have got the Muslim civilisation which regards the lending of money as a very baneful thing. In the sacred books of the Hindus it has been laid down on the other hand that a person should not live in a village, in a place where there is no sahuakar. That has been laid down and it has been repeated, not by me in the debate of 1925 but by Chaudhri Ram Singh, a Rajput who represented the rural district of Kangra. He quoted chapter and verse to show that according to the Hindu religious books a place is not worth living in which there is no sahuakar, that is to say where there is no person to whom you can go at the time of your need and ask him for help and take a loan. There is, as I have submitted, a conflict of interest and therefore I can well sympathise with those of my friends who would like to see the rules of their religion enacted in one form or another. But they ought not to forget that there are undoubtedly other communities living in this province with different ideas with regard to interest and lending of money. And as they would be the ruling community in the new constitution they must take into consideration not only the feelings but the necessities of the other community. No doubt the honourable member who just sat down stated that the Government should not take into consideration the forty thousand people who live in this province and who are money-lenders but that those forty thousand should be sacrificed in order to please the majority. Those were the words used by the honourable member who sat down, those were the words used by Chaudhri Allah Dad Khan in regard to another debate. Those were the words used by Rao Bahadur Chaudhri Chhotu Ram who voiced the feelings of the Anjuman Himayat-i-Islam, and

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the supporters of that body. The question is whether this House is going to give its adherence to a principle of this nature. Is not the Governor in the future constitution made the protector of the interests of the minorities? Are not the communities here charged with the duty of protecting the interests of the minorities? These are some of the points which I would very respectfully place before those honourable members who have been day in and day out crying for the blood of money-lenders. Whatever the honourable member, Rao Bahadur Chaudhri Chhotu Ram, might say with regard to his views, his views are not shared by the people who live in his own district. There are hundreds and thousands of Jats and Rajputs who have taken to money-lending. This is proved by facts and figures. There are only twenty thousand money-lenders who belong to non-agricultural tribes while another twenty thousand belong to agricultural tribes. And with your permission, Sir, I will here quote for your satisfaction and for the satisfaction of Government and other members who should know that the views of Rao Bahadur Chaudhri Chhotu Ram are not representative of the views of his community. Because in districts where the Hindu Jat predominates or where the Rajput predominates money is lent and taken from these people who are called agriculturists and who belong to agricultural tribes. At page 229 of Mr. Darling's book, 1925 edition, this is what he states—

Large sums, amounting sometimes to Rs. 50,000 or more, have been brought back from Australia and America by returned emigrants; many Indian officers came home from the War with two or three years pay in their pockets; many, too, of those who stayed at home, for the most part the larger holders, have been enriched by high prices. When a pucca house has been built, land has been bought and a wife decked with jewellery, what remains will be given out on loan. A retired soldier known to the writer, during 18 years' military service, saved Rs. 600, but four years of lending it out were sufficient to double it. Wherever, therefore, there are returned emigrants, ex-officers or large holders, who are not Muhammadans, the agriculturist money-lender will be found; and in these areas the whole mortgage debt is rapidly passing into his hands. The most prominent type is the Sikh Jat of the Central Punjab, who has some of the canny business flair of the lowland Scot. Round Jullundur he has already ousted the *sahukar*, and in Amritsar, Ludhiana and Hoshiarpur he meets him on almost equal terms. In the south the Hindu Jat of Rohtak " (my Rohtak friend has fled away) " a district full of ex-officers, runs him close, and—

Khan Sahib Chaudhri Riasat Ali : On a point of order. Is the honourable member in order in reading page after page? It was ruled only yesterday by you that references in the shape of quotations from books could only be made to the extent of a sentence or a few sentences to strengthen one's arguments. We are not here to listen to what is being preached to us from revealed or other books. I want your ruling to the extent to which these quotations are relevant.

Mr. Nanak Chand Pandit : I quote from no revealed book. My honourable friend is in the habit of getting up when the points made go home. I may be allowed to continue. Mr. Darling says :—

In the south the Hindu Jat of Rohtak, a district full of ex-officers, runs him close and here and there even the Muhammadan Jat is finding ways of squaring the precepts of religion with claims of business.—*The Punjab Peasant in Prosperity and Debt: 1925 edn.*

Now, the point really is this, that it is not only the non-agriculturist who takes to money-lending but it is the agriculturist discharged soldier and

officer and other classes of people who are now resorting to it. Consider for a moment what would be the fate of a person who has got say Rs. 5,000, in a village where he is liable to attack by dacoits, murderers and thieves. It has already been pointed out that in India there are no banking facilities which are to be found in England, America and in other advanced countries. I challenge my honourable friends to prove that the number of banks or co-operative societies which exist in this province could be resorted to by those who have got money in their pocket. It is a very important point which must be taken into consideration.

Then there is another point which my honourable friends have not taken into consideration. The question here is, as was pointed out in the debate in the Legislative Assembly which took place in 1925 by the Member on behalf of Government opposing the proposal to register money-lenders, that in India almost everyone is a money-lender in one shape or another, at one time or another. A widow, a minor who has got left to him a certain amount of money, a sick person, a person incapacitated by physical infirmity—even these are the people who lend money in order to earn a little interest in order to sustain their livelihood. After all, what are they going to do? Take the case of 50 per cent. of the population of the province, I mean the non-agricultural tribes who cannot buy land because they are interdicted, cannot become Government officials because Government cannot provide opportunities for Government service for all people. What are these people going to do in the circumstances. If you take away even this very salutary and very wholesome provision which they have got at their disposal to get a little income, you would be really destroying the whole class. The State is a protector of the people and must make provision for their sick, for their unemployed, for the widows. If the State is unable to do that, why should the State be a party to a measure which one gentleman here called communistic but which I would term bolshevik. It is clearly a bolshevik principle which you are going to introduce by measures of the kind which are under contemplation here. Kindly consider the penalties that you impose. The penalties with regard to the registration of money-lenders are given in clauses 16 to 20. Clause 16 reads—

A money-lender who violates any rule made under this Act, shall, on conviction before the Collector, be liable to a fine not exceeding Rs. 1,000 and to the removal of his name from the register of money-lenders for such period as the Collector thinks fit.

Provided that the Collector shall pass no order against the money-lender under this section without giving him an opportunity of being heard and of producing such evidence as he may wish to produce.

Then in clause 20, the honourable mover asks the Council to accept this—

No claim for the recovery of a debt advanced after the date on which the provisions of this Act in regard to the licensing of money-lenders come into force shall be entertained by any court if that debt was advanced by a money-lender while his name was not borne on the register of licensed money-lenders.

Kindly consider the effect of these two clauses on the whole credit system of this country. The credit system of this country would be entirely upset and there would be great injustice and great hardship. It is very easy for you to say, do away with money-lending, do away with the credit system of the country, but you do not take into account the feelings which

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the ordinary poor man has at the time of his need. Take the case of a person who lives in a village. His son is very seriously ill or his wife is dying. He has no medicine in his house and he has no money. Where is he to get a doctor from? He needs a doctor but the doctor would not come unless he is paid at once. What is he to do? He has no money, the only thing he has is his land. He sells his land outright. But what is he going to live on after that land is sold? No less a person than Chaudhri Bansi Lal stated and stated very rightly: "You do not take into consideration the feelings of the suppressed or depressed classes who form more than 20 lakhs or 25 lakhs of the population of this country, and who are treated as pariahs, who have nothing to fall back on at the time of their need, who are not permitted to build houses in their villages, who are not permitted to own land." That representative of the depressed classes pleaded that such a thing should not be permitted by the honourable members who ought to have the interests of all the communities at heart. That is a thing which should not be permitted and you should take into consideration the views, the feelings, the desires and the needs of all the people living in this province. After all, you are not legislating for the 40,000 money-lenders whom you have in view, you are legislating for the whole of the province, for classes of various kinds who live in the province who have their needs to be satisfied and who cannot at the time of need go to a bank or a co-operative society because the banks and the co-operative societies have harsh rules in some cases which cannot be accepted by men of this nature. You know these facts. How, then, in the face of these facts can you possibly say all these hard things which you have said with regard to the money-lenders? I am one of those who believe that there are any number of money-lenders who are shylocks. For such shylocks we have no sympathy. By all means kill and crush them, but this Bill will not kill or crush them. It is impossible to crush the shylock money-lender by this Bill. On the other hand, you will have shylocks who, if this Bill is passed into an Act, will take away the land, the houses and every kind of property from the borrower who falls into their clutches and these people will come from the class to whom the honourable mover of the Bill belongs. This would be the class which at the time of need of the borrower would rather have the land and the house of the person who stands in need than look to his need. They will say, "We cannot afford to lend, you need money. Are you prepared to sell your land to me? If you are prepared then I will lend you the money." And the land will be sold outright without getting full consideration of its value. You know that very well. The courts have gone into this question and they have found that at the time of need the man has parted with his property and his land at the time of the sickness of his child or the sickness of his wife or at the time of demand for payment of land revenue. These things are not going to help you one bit. You are not going to put money into the pockets of these people by passing this Bill and you are not distributing the wealth equitably or equally. That is entirely a wrong view of things, if you think that by passing this Bill Raja Narendra Nath, Rai Bahadur Sewak Ram or the honourable members who adorn the benches on the other side of the House will have their land equally distributed between the various sections of society and they would be able to satisfy their needs and the Government of land revenue. These things would not be possible even if this Bill is passed. Therefore

you must take into consideration these very great hardships that are likely to result if the clauses of this Bill pertaining to the registration of money-lenders and the penalties imposed or the other provisions of the Bill are passed.

The honourable Chaudhri Sahib when he was making his speech quoted the Honourable Judges of the High Court and said that the Honourable Judges of the High Court are in favour of this Bill. That is entirely a mis-construction of the opinions of the learned Judges of the High Court. In order to see if his statement was correct I took care to go through those opinions. Here is what one Judge of the High Court says—

I am all in favour of granting protection to *tillers of the soil* against unscrupulous money lenders but other debtors do not need any such protection.

Here is another learned Judge. He says—

The provisions of the Bill seem to be much too wide and to go beyond what should be really necessary to meet the object in view.

Here are two other Judges—

We agree with Rangilal J. Further we are unable to agree to the transfer of the power of the trial courts to the Collectors as is contemplated by section 3 and are opposed to the rest of the Bill as going too far.

There is only one opinion quite completely against these opinions, and having read these opinions my considered opinion is that the Judges are not prepared to support the Bill as it stands except one Judge, and if that is considered to be an opinion in favour of the Bill by the High Court Judges I do not know what opinion can be against it.

My honourable friend Mr. Puri yesterday read out the opinions of the Commissioners and I understand that several European gentlemen who have taken no sides either this way or that have condemned this Bill which has been brought forward. I listened very carefully to the analysis of the opinions made by Chaudhri Chhotu Ram in his speech yesterday, and that clearly showed that the opinion about the Bill is sharply divided. It cannot be said that the opinion has ranged on only one side or on the side of Chaudhri Sahib. It is sharply divided. It is undoubtedly a class measure. It is undoubtedly a communal measure. It is undoubtedly a measure which creates, which will create and which is undoubtedly bound to create hatred between the classes of the people who live in the province. Does Chaudhri Sahib not know that in this province murders of money-lenders have been frequent of late? And he has been a propagandist against the money-lenders not only in his own district to which his activities were confined sometime ago, but now he thinks it his duty to go out into the far and distant districts and preach against the money-lenders. This inciting the people to hatred against this class, I submit, should not be permitted by Government to go on for any length of time. After all a Government is the protector of all the people whatever the hue or colour of the Government may be, whether it is Sikh, Muslim or Hindu, or whether it is black, white or yellow. It is its duty to maintain law and order and to give security and confidence to all sections of people. These measures which the Chaudhri Sahib has been bringing forward from time to time are merely (as he has confessed) intended to be an election propaganda. If he succeeds he will put down his success to his activity in regard to the measures he is bringing forward and if he does not succeed he can say that he did his best but that his case was

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spoilt by a certain section of the party or the Government. His bread is buttered both ways. He definitely stated that the masses are in favour of the Bill. Of course the masses are illiterate and ignorant. You can incite them to do anything. I could incite them into crime and murder and violence. I challenge my friend to get me permission and to-morrow he will see that I could incite the masses to murder and violence. What are they after all? They are an ignorant mass of illiterate people. If you tell them that by passing this Bill you will be distributing wealth equally, they will cheer you up. The masses cannot read the Bill, they cannot understand the laws, they cannot see what is good and what is bad, they cannot tell the implications of such measures. The masses can be led by any man who has the cleverness to lead them or mislead them. Therefore taking the argument advanced by the lady member the honourable Chaudhri Chhotu Ram was very happy that the masses were in support of this Bill. I submit that he is entirely wrong. If the true picture of the measure is presented to them, if they are told that it would be impossible for them to get a pie from the money-lender at the time of their need, the masses would give their votes against Chaudhri Sahib. (*Interruptions*). I may tell you that he and I have tried this once before. When he was a Minister he went to Hoshiarpur district and went from place to place and the electors of that place—the agriculturists and the voters—placed their confidence in me as opposed to the man whom Chaudhri Chhotu Ram was supporting. (*An honourable member*: They were deceived). Chaudhri Chhotu Ram with all his paraphernalia of Ministership was there to remove the suspicion afterwards. When Chaudhri Sahib went to Hoshiarpur and wanted to preach his doctrines against the money-lenders, that is, against the non-agriculturists, the verdict was given in my constituency when the fight was over and the battle remained with me. I say it with pride because I did to the very best of my ability present to them the issues of the Money-lenders Bill of Mr. Maqbul Mahmud which was one of the very burning issues of that day. The fight remained with me, and I challenge my friend Chaudhri Sahib to come with me to a place where neither of us has gone before and let the matter be decided by the vote of that place. I am prepared to accept the challenge. That is the real position. The position is that you must give the correct facts. Of course, you know that in this Council he has the backing of a landlord class which is not representative of the tillers of the soil. The honourable mover of the Bill knows it very well that it is the biggest landlord class which is represented here. Here is a man who owns thousands of acres. Here is Khan Bahadur Mian Muhammad Hayat Qureshi who is a very big landlord, one of the biggest, and I have got the courage and the wisdom and the honesty to say that the Bill is not going to benefit the poor population. The block that is supporting this Bill is a block which represents large landed classes and I say it without any fear of contradiction. It is a section of society which always at the time of its need borrows money, purchases land, but when the time comes for payment it is not prepared to make the payment. It is the section of society which has grown fat on the earnings of the *sahukar*, which has purchased land after land by taking money, but when the time for payment comes it has no money and being agriculturists its land cannot be attached. We require protection. I appeal to your sense of fairness. Are you going to protect the person who borrows

Rs. 10,000 or Rs. 25,000 and purchases a piece of land? He purchases three, four or five squares of land and in his hand that land becomes ancestral. (*An honourable member*: No). Evidently the honourable member has not read the Bill carefully. Under the Punjab Land Alienation Act the creditor cannot get possession of the land even though he may have secured a decree from the courts. Under these circumstances what is he to do? He will have only to lose his money even after securing a decree at so much cost. Is that a fair proposition, is that an honourable proposition, is it a proposition that any man with decency will give support to? I put this question to honourable members on the other side. If they have got any decent reply to give I shall be glad of it because it will give me food for consideration. Instead of that if they have got nothing but abuse for the sahukar, that would be no reply at all. I ask, are you going to protect a debtor of this kind who grows fat at the cost of the poor money-lender and when the time comes for repayment pleads one clause or the other of the Land Alienation Act or of this Bill? What then is the position of a society which gives its sanction to such broad day robbery and loot, because that is what this amounts to? I ask the honourable mover of this Bill and his party to consider these points very carefully, because they should not give exhibition of what the new reforms are going to be. Their course of action at this time will be proof of what the future constitution (where the reins of Government will be held by these people) is going to be and whether the other communities are going to enjoy their well-earned income. By all means get some measure by which the unscrupulous money-lenders are brought to book. The House has passed not one measure but many measures to circumvent the doings of men of this kind. But it has not been able to circumvent the shylocks, the dishonest persons. Dishonest persons will continue to exist in spite of what this Council may do. But by merely introducing measures of this kind or by putting a premium on dishonesty you are not going to put a premium on honesty.

Now, I shall turn to that part of the Bill which deals with the execution of decrees. One honourable member, I think it was the Sikh member from the Lyallpur Rural constituency (Sardar Sampuran Singh) more than once said, "Why are you crying unnecessarily? What is new that we are now enacting which is not already on the statute book?" I do not know whether the honourable member is simple minded or whether it is a sort of veil which he wants to put in the eyes of people. Either he has not read the Bill or he wants to throw dust in the eyes of people. But he must remember that some people can see even if dust is thrown in their eyes. If he really believes that there is nothing new in this Bill why should this measure of codification of the existing law, as he calls it be brought before the Council? It is said that the law already exists, but we must make it clearer. I submit that the law exists nowhere. Every provision in the Bill is new and revolutionary. I am sure if the Government is sensible it will never agree to this measure. The Government must take note of the fact that this Bill does not deal with dishonest money-lenders but with creditors who have got a decree from the courts. Their accounts are thoroughly scrutinised, their records are carefully examined by the courts under the various laws, such as the Usurious Loans Act, the Relief of Indebtedness Act, the Punjab Regulation of Accounts Act and so on and after spending a lot of money by way of court

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expenses they get a decree from the court. The present measure says "do not allow such a decree to be executed; do not allow these creditors to enjoy the benefits of their decrees." I appeal to honourable members to see whether such a thing will be tolerated in any civilised country. I can understand the honourable mover of the Bill getting up and saying, "Well, these men are not trustworthy, their deeds and the pages of their account books are dishonestly prepared and not to be relied upon." I can understand him saying that these creditors had undue influence with the debtors and got them put in their signature or thumb-impression on any documents which these creditors placed before them. I can also understand him saying that these creditors got the signatures of the debtors under the influence of drink. I can understand all those things. But after these creditors have gone through all the ordeals of examination in a court of law and obtained a decree from the courts in their favour, is it fair for the Government or even for the Chaudhri Sahib to ask this Council to be a party to a legislation of this nature which says that after undergoing all the troubles, the creditors will not be permitted to enjoy the fruits of their decrees? Take for example, the clause which deals with ancestral property, standing crops and so on. These are two clauses which can be taken up together. These clauses exclude ancestral property, and properly includes immovable property like houses, lands, &c., and movable property like ornaments, utensils and so on.

The Honourable Mr. D. J. Boyd : I think the House will prefer to go into the details of the clauses when they actually come up for consideration.

Mr. Nanak Chand Pandit : I have a right to say all these things to show that the present measure does not want to permit the creditor to enjoy the fruits of his decree.

Mr. President : The motion before the House is that the Punjab Debtors' Protection Bill, as reported by the select committee, be taken into consideration. Thus it is the whole Bill that is under discussion and not its individual clauses. The clauses will be discussed after the motion for consideration of the Bill is adopted by the Council. The honourable members are entitled, no doubt, to refer to clauses by way of illustration, when necessary; but at this stage the clauses of the Bill should not be discussed in detail. So, I would request the honourable member not to go beyond the motion under discussion.

Mr. Nanak Chand Pandit : I shall not go beyond the motion. In fact I will not go into the clauses in detail. I shall take them as a whole and examine how they stand. As a matter of fact several members on the other side referred to the various clauses of the Bill in order to strengthen their arguments and I was also only strengthening my arguments by reference to the clauses. However, my point is this. If this measure is passed into law, you cannot touch a person's land, his house is free from attachment, his standing crops and trees cannot be touched, his ornaments cannot be touched because they are inherited property and his money also cannot be touched because it can be safely concealed. What is the creditor to do under the circumstances? (*An honourable member:* What about cattle?) Cattle cannot be attached because it is exempted under section 60. This law puts

the tiller of the soil, a poor peasant and Nawab Muhammad Hayat Qureshi a rich landlord on the same level in this respect.

Then, the honourable Sikh Member from Lyallpur, Sardar Sampuran Singh, said that ancestral property cannot be touched even according to the existing law. That is not correct. According to the present law ancestral property can be touched whether movable or immovable. Evidently Sardar Sampuran Singh was very simple to say that the present measure only repeats what has been in existence already. Two very important points were placed before the honourable member by my friend Mr. Mukand Lal Furi to which no reply was given. One point referred to the substitution of the words 'next holder' for the word "heir." This is indeed a very revolutionary change in the Bill. The other relates to section 4 of the 1930 Act. These two points clearly prove that the existing law is being changed in a very revolutionary manner. This Bill is not merely re-enacting the existing law or making clear what is obscure. You are introducing revolutionary changes, not for the benefit of the tiller of the soil in whose name you are swearing, whose interests you profess to protect, but you are attempting to protect the interests of those who own large areas of land and other property.

Another point was also touched by the honourable Sikh member from Lyallpur. He asked, so far as the transfer of decrees from sub-judges to collectors is concerned, why should there be a cry over this provision? The collector already deals with these matters even now and if this power of his is now being recognised by this law why should you make such a noise about it? I am very sorry I have to trace up the history of the debates that had taken place here before. If sub-judges and collectors stand on the same footing, why this noise on the other side? Why do they want to take away the powers of the sub-judge and hand them over to the collector? Honourable members who have been members of this Council during the last ten or twelve years will remember that an impression has gone abroad that so far as sub-judges are concerned they belong to those classes who are called creditor classes and the collectors reflect the feelings of those who belong to the debtor classes. That has been said more than once on the floor of this House and since the introduction of the communal principle in services and even the caste principle, this distinction is being maintained and that is the reason why from sub-judges you are taking away those powers and are giving them to collectors. You must remember and this is the very considered opinion given by many collectors, that we should not set up two rival systems, rival courts, the courts of collectors on the one side and the civil courts on the other. That would be a wrong thing to do. There would always be a conflict of judgments and that would be an entirely wrong thing to do; it should not be permitted. After all, are not collectors people who have got heavy work to do? Various kinds of multifarious duties will have to be performed to consider all these things in a judicious manner. It is impossible to do and even if they do, that would be to the neglect of their other important duties. The benefit of the collector's advice is already there. Why then introduce this change into the system? The reply you have made clear to us and that is that you have no confidence in the working of the courts. That is the thing which we should deprecate and we should not encourage, and Government should be the last body to encourage, such a sort of enactment which throws suspicion

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on one department and creates confidence in another. If that were the case there would be a very large number of people challenging the honesty of the court. It should not be brought about in the Punjab and under any Government. I would therefore request you not to press such a part of the Bill which strikes at the very root of administration of justice. Then it was said, why should a decree-holder not have the fruit of a decree in six years? Why make it 12 years? Now you are trying to cut down the period of limitation. But those people who have anything to do with the execution of decrees know that there are more dishonest judgment-debtors than there are dishonest decree-holders. Land is attached or house is attached. A person gets up and says, this house belongs to my aunt and has nothing to do with the judgment-debtor. The case is tried and after the finding is given, it goes to appeal, then a second appeal and if the decree is for over Rs. 10,000 it goes to the Privy Council. These are the devices resorted to every day in our courts. Supposing the original decree-holder succeeded another man gets up and says, I am a minor and I have now become 21 years of age and I will bring a suit. This sort of thing goes on year after year and not only one has to spend money in getting a decree passed but even in the execution of it he has to go on spending money. That is the reason why, after taking all these things into consideration, the mentality of the judgment-debtors and other things, the period of limitation was fixed at 12 years. It has existed so long and it has been existing in other provinces. Why single out the Punjab for a revolutionary change of this kind? I do ask the honourable members who have spoken in favour of this Bill to take this fact into consideration, whether you are going to do something for the honest creditor or not. Surely you do not mean to say that all the creditors, the Government servants, the pleaders, the lawyers, the widows, the minors, who lent money are all dishonest persons. Are you going to permit them to realise their money or not? Again, even when all these things have failed, even when the judgment-debtor has not succeeded in all cases, the question of attachment comes in and then the trouble commences. They will say there is no proper proclamation; the advertisement is not done; the price of the land is omitted and so on and so forth. Many a judgment of the Allahabad High Court has laid it down that the troubles of a creditor arise not when he is fighting the case, but when he has obtained the decree and you are not putting a premium on this sort of dishonesty because it is very easy to obstruct the execution of the decree for six years. These are the things of which we should take notice and we should not, in our blind zeal to protect the interests of the so called debtors, be a party to a measure which would perpetrate injustice which would lead to extortion and cruelty of the worst kind. After all we must know that nations prosper by justice. Nations do not prosper by injustice. That is the lesson which I would ask Rao Bahadur Chaudhri Chhotu Ram to take to his heart. If he wants that there should be prosperity in this land, he must realise this fact that justice and confidence in the Government is the most essential factor for the prosperity of any country or province.

One word in the end I would say with regard to the members who have spoken from these benches, those people who have represented money-lenders, those people who have spoken on behalf of the creditors. The

times are out of joint ; they must organise themselves. It is no use blaming the Government time after time. Government has to yield to the clamour of the majority. Be that Government what it may, if not to-day, to-morrow the Government shall have to yield. In 1925 they might resist a certain measure ; but in 1935 they may have to bow before the clamour of the majority. Government cannot always be accused of doing this or doing that. It is up to the honourable members who have abused, counter-abused, the other side, to get up and go out into villages and organise their community in such a manner that it may be able to stand the attacks which are made from time to time. They must remember this that if wise men unite, they can still rule this province. That is an advice which I would give them. They have neglected their duty in the past. Times are out of joint. I have seen that most of the leaders feel at the time of crisis ; they should rise to the occasion and meet these attacks in a manly manner and not by supplicating either the Government or the majority community.

The Honourable Mr. D. J. Boyd (Finance Member) : I think it right that I should indicate very briefly the attitude which Government propose to take with regard to this Bill. The principle of the Bill is the protection of debtors and with that principle I think everybody will admit the Government has shown its practical sympathy in asking this House to pass the Relief of Indebtedness Bill. (*Hear, hear*). There can be no doubt whatever of Government's sympathy with debtors. That sympathy must be qualified by two main considerations : one is fairness to the creditors and the other is that we must try to ensure that nothing is done which is going to dislocate the credit system to such an extent that the debtors themselves will be injured. Subject to these two considerations Government undoubtedly sympathises with the debtor classes of the province. With these remarks I think I may very briefly indicate what our attitude will be to the particular clauses of the Bill. I do not propose to discuss them in any detail whatever. I think the later stage is the correct stage at which detailed discussion should take place and perhaps in passing I might say that I regret that members have spent so much time in discussing in a general way the clauses of the Bill because I fear that their attention may later on be diverted from the details of each clause. The select committee had to work under very great pressure if they were to get this Bill before the House in time to have it considered in the present session unless the session were to be extended unduly. For this reason we worked at very high pressure indeed and I myself would welcome a careful consideration of each clause. I fear that so much energy has been spent on a general discussion of the Bill, with a general and a fairly detailed discussion of its various clauses, that members will be too tired and too bored to give a proper attention to the individual clauses at the proper time. (*Hear, hear*).

The first important portion of this Bill is the part which proposes to transfer to collectors the execution of decrees when a temporary alienation of land is to be effected. As has been said several times over already, the practice is already practically as the mover of the Bill wishes to make it. I will not go into any details just now ; but the practice being as it is and there being very considerable advantages in having one agency only to deal with details of execution proceedings, the Government are prepared to support this portion of the Bill, provided certain amendments are

[Hon. Mr. D. J. Boyd,] introduced. (*Hear, hear*). I do not know whether it is necessary to indicate what those amendments are, but we cannot lend ourselves to any extension of the Punjab Alienation of Land Act, because Government has already undertaken several times neither to extend nor to whittle down the provisions of that Act. As a matter of fact, I think the honourable mover of the Bill understands the conditions on which Government can support this part of the Bill; so I will not enter into any further details.

With regard to the exemption of standing crops from liability to attachment and sale, I am afraid Government must oppose this part of the Bill. We consider that the agriculturist debtor's crops are already sufficiently protected by the Civil Procedure Code and the Punjab Land Alienation Act. With regard to trees the question is a bit different and if a non-official amendment were moved to replace the present clause by one protecting standing fruit trees making them not liable to sale or attachment apart from the land on which they stand, Government would be prepared to give consideration to it. Actually the Government are considering—I will not say more than this—Government are considering the possibility of amending the Punjab Alienation of Land Act so as to ensure that trees are treated in the same way as land. The only other portion of this Bill which the Government find themselves able to support is the restriction on the period of limitation for execution of decrees from 12 to 6 years and they can only support it provided firstly that it has no retrospective effect and secondly it is assured that the amendment applies only to debtors as defined in the Punjab Relief of Indebtedness Act. The reason for this second stipulation is that we do not wish to do anything that will put the civil law of the province out of joint with that of the neighbouring provinces. Naturally our business men have dealings with those of Bombay, Madras, Calcutta and all over India and we do not want to have a different civil law in our province from that in other provinces. This we can insure by restricting clause 11 to debtors as defined in the Punjab Relief of Indebtedness Act. We do not think it possible at present at any rate to introduce any system of registration of money-lenders. That appears to us impracticable. If later on, perhaps two or three years hence, it is proved that in spite of the legislation that has already occurred in the matter of affording relief to debtors, the registration of money-lenders is desirable, that is another matter, but at the present moment we are not convinced that it is practicable or desirable to have any system of registration of money-lenders (*hear, hear*).

Mr. President : Question is—

That the question be now put.

The motion was carried.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I shall have to make a fairly long speech in reply to the various criticisms to which this Bill has been subjected by the members representing money-lending interests. In the first instance I wish to make it quite clear that there is no question of the interests of small land-holders or tenants suffering either under the present Bill or under the mentality which is responsible for the introduction of this Bill. A good deal has

been said by several members that this Bill has been conceived in a spirit of partiality to big landholders. I fail to find a single word, a single sentence in any clause of this Bill which will have either that effect or which is indicative of any desire of that character. Apart from that I wish to declare from the floor of this House that so far as I am concerned, I am always for the small landholder. I am always for the tenant (*hear, hear*), and I may also make it clear that the members of my party have always shown a spirit of generosity towards small land holders and tenants. In order to convince my friends, if they are at all inclined to be convinced, I might cite the instance of one of the biggest landholders, perhaps the biggest landlord in my party, namely, Khan Bahadur Nawab Jamal Khan. The instance which I wish to quote goes back to 1924. He is a very big landlord and has a very large number of tenants under him, and yet he was the gentleman who fought for the abolition of *Jinsi Batai* system (*hear, hear*). Very few members of this House, perhaps, know that he fought for that iniquitous system to be abolished as soon as it could possibly be done. Apart from that, I may also draw the attention of the House to the fact that when the question of broadening the basis of franchise came to be considered, the members of my party were for as large a broadening of that basis as could possibly be undertaken while opposition came ultimately from those who now say that this Bill has been brought for the exclusive benefit of large landholders.

Mr. Nanak Chand Pandit : It is entirely wrong.

Rao Bahadur Chaudhri Chhotu Ram : Everything is in print. I also wish to explode a myth to which expression has been given from time to time not only on the floor of this House but also in the Press. Raja Narendra Nath was pleased to state and his statement was repeated by one or two other members that this House is dominated by the big landholders and that there is hardly anybody in my party who is either in himself a small landholder or is a true representative of the peasant proprietor. That is a myth which I have tried to explode.

Diwan Bahadur Raja Narendra Nath : I used the words "tiller of the soil."

Rao Bahadur Chaudhri Chhotu Ram : I am going to explode it again to-day. What does Raja Sahib think of myself? I am a tiller of the soil so far as my family is concerned. With the exception of my person everybody in my family is engaged in tilling the soil.

Rai Bahadur Mr. Mukand Lal Puri : Are you a tiller of the soil yourself?

Rao Bahadur Chaudhri Chhotu Ram : I have a mentality of the man who tills the soil. I am for the protection of the rights of those who have suffered under the tyranny of money-lending interests, interests which have been espoused by the Hindu Sabha section of the House. So far as the actual composition of my party is concerned, perhaps the members of this House will be surprised to learn that 7 out of 8 members from the Ambala division are drawn from peasant proprietor families. Only one member could be described as a big landlord, that is, Rao Bahadur Rao Balbir Singh. All the other 7 belong to peasant proprietor families.

Diwan Bahadur Raja Narendra Nath : What is a peasant proprietor ?

Rao Bahadur Chaudhri Chhotu Ram : Raja Sahib has served in the Revenue Department for over 30 years, and he ought to know it without my telling him. Let us now take the case of my Sikh friends. There are 11 agriculturists among the Sikhs. Out of these 11, 8 come from peasant proprietor families, only 3 are big landlords. Take the case of the Jullundur division, what does Raja Narendra Nath or his colleagues of the Hindu Sabha Group think of Chaudhri Afzal Haq ? Is he a big landlord ? What does he think of Pir Akbar Ali ? Is he a big landholder ? What does he think of Chaudhri Abdul Rahman Khan ? What does he think of Kanwar Mamraj Singh who belongs to his own party ?

Rai Bahadur Mr. Mukand Lal Puri : All lawyers and parasites like you and me.

Rao Bahadur Chaudhri Chhotu Ram : Does he mean to say that not a single member of agriculturist families should resort to any other profession ? Do you want to monopolise every field of activity to yourselves ?

Mr. President : I will request the honourable members not to interrupt the Rao Bahadur.

Rai Bahadur Mr. Mukand Lal Puri : We must contradict him when he makes statements like this and calls himself a tiller of the soil.

Mr. President : If the honourable member has a point of order to raise, he may do so, but he should not interrupt the speech of the honourable member who is speaking.

Rao Bahadur Chaudhri Chhotu Ram : I can understand these interruptions. My home truths are so unpalatable to that section of the House. I never said that I was a tiller of the soil in my own person. I made it quite clear that though I myself have never touched the plough, I belong to a family every single member of which tills the soil with his own hands. My brother, my uncle and all my nephews are engaged in the actual pursuit of agriculture (*hear, hear*). You cannot possibly say that because one single member out of a family of 15 resorts to the profession of law, therefore he ceases to represent the true interests of peasant proprietors or actual cultivators of land. As a matter of fact, what really matters is not the actual birth or the actual calling of a member but the mentality of that member. Here is Pandit Nanak Chand who is never tired of calling himself a zamindar. He even claims to be a statutory agriculturist and yet look at his mentality.

Mr. President : The honourable member will please be impersonal.

Rao Bahadur Chaudhri Chhotu Ram : He was personal, and I am only replying to him.

Mr. Nanak Chand Pandit : I was never personal.

Rai Bahadur Mr. Mukand Lal Puri : And not to be sarcastic.

Rao Bahadur Chaudhri Chhotu Ram : When I begin to pay the honourable member in his own coin he feels perturbed. I was saying that what really matters is the mentality of the member and not his birth or calling.

So far as mentality is concerned, I have made it perfectly clear that every single member occupying the Unionist benches has the mentality of a person who will protect effectively and safeguard whole-heartedly the interests of peasant proprietors and the interests of the actual tillers of the soil. (*Hear, hear*). I will also draw the attention of the members of this House to a fact which is either not known generally, or which some people do not care to admit. There are only 2,700 big landholders in the province who pay a land revenue of Rs. 500 or more. As a matter of fact, even these 2,700 include those persons who are in receipt of jagir income of Rs. 500 and more. Perhaps the actual number of those who own land assessed to a land revenue of Rs. 500 or more will be about 2,500. Can anybody say with reason, can anybody say with justice that this province is in any way dominated by big landholders, or that there is a reasonable apprehension of the interests of the cultivating classes being ignored in this province? At least no evidence has been given either in this House or outside the House that even those zamindars who own big areas are in any way anything but sympathetic to the actual tillers of the soil.

I also wish to make a slight reference to the growth of money-lenders among zamindars. The members representing money-lending interests in this House have said that it is impossible to kill the shylock. I admit that it is so. What we are trying to do is to diminish the sphere of his undesirable activities, to reduce, if we can, the amount of harm which he can do to innocent and ignorant people. If that attempt fails we shall be sorry, but we shall certainly be able to claim to have done our duty. If a class of money-lenders, whether of a shylockian type or of any other type, arises among zamindars I will be the first person to seek to deal with it just as effectively as I am trying to deal with the present class of money-lenders. As a matter of fact, neither this Bill nor my own mind seeks to make any distinction whatsoever between a money-lender belonging to one class and a money-lender belonging to another class. There is absolutely nothing in this Bill which seeks to confer any protection to any money-lender of whatever class. There is nothing in this Bill which is aimed exclusively against the members of a particular community or class only. Mr. Darling's book, which is the Bible of some members of this House has been referred to again. I repeat the answer which I made to this very question some time ago. Mr. Darling is not really acquainted with the difference that exists between a zamindar money-lender and a non-zamindar money-lender. Fortunately, the zamindar money-lender has not so far learnt the tricks or succumbed to the lure of the malpractices to which other money-lenders have resorted throughout the ages in this country as well as in others. Therefore no real and legitimate help can be drawn from a casual remark, a misguided remark, an ignorant remark, that fell from the lips of Mr. Darling.

Now I will take a few more typical instances of criticism made against the present Bill. The honourable Raja Narendra Nath suggested that I had ignored the opinions of revenue officers of very high experience. A similar reference was also made by Mr. Mukand Lal Puri and the same reference was taken up by Rai Bahadur Lala Sewak Ram. I am not unaware of the officers to whom they have referred. In my opening speech I deliberately refrained from answering the criticism which was offered

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by those high revenue officers. As a good deal of reliance has been placed upon the opinions expressed by these very busy and overworked officers, it is my painful duty now to turn my attention to that criticism and to show what value could be attached to that criticism. I will first take up the criticism which was made by the Financial Commissioner, Development I will just take one sentence from his criticism.

"Section 7 will apparently have the effect of reducing temporary alienation to six years.

I challenge him to read clause 7 again and see whether that section leads to that result. The Financial Commissioner received an opinion from an officer of fairly long experience and he acted upon it. I sympathise with him. He is a hard-worked and a very busy officer, and, thus, cannot be expected to give personal attention to every opinion that he expresses on any particular question. (*Interruption*). Yes, he says, "apparently." That only means he was not in a position to give his close and personal attention to the meaning of this clause, or to the result which this clause would lead to. I claim that nothing whatever of the kind attributed to this clause will happen as a result of this clause being enacted into law. This one instance ought to suffice to show that high officers are, generally speaking, very busy officers, and cannot find time to study things and express well-considered opinions. They are overworked and cannot be expected to give personal and close attention to everything. Therefore the Financial Commissioner had to depend upon the opinion of somebody else. And that opinion in its turn being wrong, his opinion too was bound to be wrong.

Let me now turn to the opinion expressed by the Registrar of Co-operative Societies upon whose opinion the opinion of the Financial Commissioner, Development, was based. He says :

It is not to be supposed that the supporters of this Bill really believe that it will be accepted by the Government and will go through the Council. Their object appears to be twofold, (1) the usual political manoeuvre to place themselves in the position of benefactors of the rural population, thwarted in their objects by the opposition of Government, (2) by keeping this Bill hanging over the heads of the creditors' community for as long as possible to induce them to compound their existing claims on the zamindars on even more lenient terms than they are prepared to do at present.

The first portion of this paragraph imputes a motive which an officer of Mr. Wace's experience and position should not have attributed either to me or to any other member who was interested in this Bill. If a similar motive had been attributed to another by any member of this House in his speech he would have been called to order. The attribution of such a motive is both uncharitable and unparliamentary. Again, I did my level best to have this Bill passed into law as early as possible. I made the request to the Honourable Finance Member that this Bill might, if possible, be passed during the last budget session. But he insisted that the Bill being of a controversial nature ought to be circulated for the purpose of eliciting public opinion. Therefore my second comment on opinion expressed by the Registrar of Co-operative Societies is that his opinion is not only uncharitable but also entirely inaccurate.

Again, he says :

In regard to section 3 of the Bill I would note that the Civil Procedure Code already contains provisions (in sections 68 and 70) empowering Government to make rules to the same effect as is contemplated in the present section.

Here again my answer to the criticism is that the officer was probably too deeply pre-occupied with his own departmental questions to come to a right conclusion. He did not study sections 68 to 71 of the Civil Procedure Code, with sufficient care. If he had paid sufficient care to the substance of those sections he would have learnt that section 68 is in terms confined to cases in which the immoveable property of a judgment debtor could be sold. Now the landed property of a member of a statutory agricultural tribe cannot be sold in execution of decrees and, therefore, so far as the members of agricultural tribes are concerned, they could not possibly have been covered by section 68 of the Civil Procedure Code. Therefore this criticism is entirely wrong. Again, Mr. Wace says :—

“Sub-section (3) of the section, however, introduces new matter making it obligatory to exempt from temporary alienation such portion of the agricultural land belonging to an agriculturist judgment-debtor as is sufficient for maintenance of himself and his family.”

Here, again, the Registrar was not probably aware of Standing Order No. 64. The Financial Commissioners' Standing Order No. 64 lays down that sufficient land should ordinarily be exempted from temporary alienation to provide for the maintenance of the judgment-debtor and his family.

Further on, he says :—

“Section 6 further weighs the scales in favour of the debtor, and the effect of section 7 would in practice ultimately be to reduce the twenty years period now prescribed for temporary alienation under the Alienation of Land Act to six years.”

Here, again, he has made a mistake which has led the Financial Commissioner, Development, also into a mistake.

Another opinion was referred to, and that was the opinion of the Commissioner of Multan. He saw neither sense nor justice nor equity in this Bill. And yet he forgot all the time that with the exception of just two matters, the reduction of period of limitation and the registration of money-lenders, there was nothing in this Bill which was not already recognised in practice or in principle either by the High Court or by the Financial Commissioner. What should I say of the opinion of a Commissioner who is unaware of the practice of his own department? Then, again, he said, that in the Multan division not a single deputy commissioner had been able to find himself in support of its provisions. I may inform the House that four of his deputy commissioners substantially support this Bill, one does not express any opinion whatsoever and it was only one who opposed the provisions of the Bill. If the Chair permits me to read extracts from the opinions given by deputy commissioners I can read them to the House, but I think it will be a perfect waste of time. I definitely claim that four of the six deputy commissioners serving under him substantially supported the provisions of the Bill, one did not express an opinion and only one opposed the provisions of the Bill *in toto*. Now the Commissioner who says that only one deputy commissioner has been able to support this Bill does not deserve to have that weight attached to his opinion which I would naturally attach to the opinion of a Commissioner who takes care to see

[R. B. Ch. Chhotu Ram.]

what his deputy commissioners have said. I have now done with the high revenue officers.

Now I will come to another aspect of the criticism which was levelled against this Bill and against the author of this Bill. Mr. Mukerji suggested that I was imbued with communistic principles and that this Bill reflected communistic tendencies. Mr. Mukand Lal Puri took up the suggestion and said that Mr. Mukerji had put me down as a communist but that he would content himself with describing me as a socialist. Somebody else, I think Mr. Nanak Chand Pandit, suggested that I was a Bolshevik. I am not afraid of words. If the principles of this Bill are communistic then I openly stand for communism. If the principles of this Bill are socialistic then I openly and avowedly stand for socialism. If the principles of the Bill are Bolshevik in their character, then I stand openly and avowedly for Bolshevism. With your permission, Sir, I will ask the members of this House just to consider whether the transfer of the execution of decrees under section 68 of the Civil Procedure Code is either communistic or Bolshevik or socialistic. This provision has existed in the Civil Procedure Code for a number of years. (*An honourable member*: Why do you insert it in this Bill then?) I have already explained why I want a fresh provision made in this Bill. If the honourable member did not hear or has not sense enough to understand me then I cannot help him.

Mr. President : The honourable member should not be personal.

Rao Bahadur Chaudhri Chhotu Ram : It is a personal question. Am I not entitled to answer a personal question?

Mr. President : The honourable member may answer it without being personal.

Rao Bahadur Chaudhri Chhotu Ram : I was simply replying.

Now the exemption of a portion of land belonging to an agriculturist has been prescribed by Standing Order 64 of the Financial Commissioners. I do not know for what length of time. Is the Financial Commissioner a Bolshevik or a socialist or a communist? If he is, then I err in very good company. Again, is exemption of ancestral property from attachment in execution of a decree relating to a debt incurred by a deceased holder Bolshevik in principle? (*An honourable member*: Yes). If it is, then 4 Punjab Record of 1913, a ruling given by a Full Bench of our Chief Court set an example which I might follow with justice and reason. If the High Court or the Chief Court which gave that ruling has not been guilty of communistic tendencies, I cannot be held to be guilty of communistic tendencies either. Again, take the exemption of standing trees from sale to which the present provisions of the Bill are restricted. Is that exemption to be taken as an indication of communism? If that is to be taken as an indication of communism, then our High Court was a believer in communism up to 1929, for, according to its rulings prior to 1929 standing fruit trees were regarded as land not subject to sale in execution of a decree.

I have tried by means of this Bill to shift the burden of proof in respect of certain transactions on to the money-lender. So far as unregistered documents are concerned the law, which I propose, held the field for over

50 years. If our Chief Court did not become socialistic or communistic or Bolshevik on account of following that course of law, I do not understand how I can be held guilty of that charge. The period of limitation—has it anything to do with communism or Bolshevism or socialism? Whether the period of limitation is 12 years or ten years or eight years or six years, it has nothing to do with communism or Bolshevism or anything else of that character. When courts have to refuse to entertain applications for execution of decrees after a prescribed limit of time, whether that limit is ten years or twelve or eight or six is immaterial.

Registration of money-lenders. Does that indicate any communism? I claim, not. A law was passed in England as long ago as 1900 under which every money-lender had to get himself registered. Has England gone communistic? I say definitely no, and if England can continue to be non-communistic in spite of having passed a law insisting upon the registration of money-lenders, I cannot see how anybody can call me a communist because I make a suggestion in favour of the registration of money-lenders. As I have already stated if the provisions of this Bill are really tantamount to communism or socialism or Bolshevism, I plead guilty to the charge, and make a confession of my guilt in so far as I believe in the soundness of the principles embodied in this Bill.

Raja Narendra Nath made a reference to section 12 of the Tenancy Act and section 62 of the Land Revenue Act. Section 12 of the Tenancy Act says that rent will be the first charge on the produce of a tenancy, and section 62 of the Land Revenue Act lays down that land revenue will be the first charge on the produce or value of the produce of land assessed to land revenue. I fail to understand the relevancy of these sections to the present Bill. He did not develop his argument and, therefore, I have not been able to understand what exactly he meant. If he meant that if rent was the first charge on the produce of a tenant why a decree should not be the first charge on the produce of land, I would simply refer him to another section of the Tenancy Act. Section 97 says that "a tenant shall not during the continuance of his occupancy be liable to imprisonment on the application of his landlord in execution of a decree for an arrear of rent."

Raja Sahib claimed that this House had done much more for the debtors than was really necessary. One provision which was enacted in the Relief of Indebtedness Act was that which while abolishing imprisonment in general retained imprisonment in certain eventualities. Here is a section under the Tenancy Act which makes exemption from arrest absolute and unqualified. A tenant owing rent will not be sent to jail on the application of a landlord for an arrear of rent. (*An honourable member*: What has that got to do with the present Bill?) The question of rent being the first charge on the produce of a holding or tenancy has not much to do with the present Debtors' Protection Bill, but if Raja Sahib simply wanted to show that rent being made the first charge on the produce of a tenancy was a favour to the landlord I may be allowed to draw his attention to another section which lays down that for an arrear of rent a tenant cannot be sent to jail which makes the position of a tenant more favourable than that of a debtor.

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Another line of criticism was that Government had declared more than once that it would be no party to any legislation which sought either to extend or to restrict the scope of the Land Alienation Act. There is nothing in this Bill which has the intention of either extending or restricting the scope of the Land Alienation Act. The honourable members who made a reference to the general assurance given by Government have failed to indicate any evidence in this Bill showing that any extension or any restriction of the Land Alienation Act was either intended or was likely to result. Another criticism that was offered was that if a law is laid down that a sufficient amount of land should be reserved for the maintenance of a judgment-debtor and his family, then absolutely nothing will be left out of which the decree-holder can realise his debts. This can only be in the case of small landholders. And yet, oblivious to the inconsistency of their position, their very friends have been clamouring that the Bill is really intended only for the benefit of big landlords.

Rai Bahadur Mr. Mukand Lal Puri : Is not that really so ?

Mr. President : The honourable member will please not interrupt the member in possession of the House.

Rai Bahadur Mr. Mukand Lal Puri : As a matter of fact such interruptions are parliamentary in a debate.

Mr. President : The honourable member has absolutely no right to interfere while another member is in possession of the House.

Rao Bahadur Chaudhri Chhotu Ram : I am going to bring my remarks to a close. I claim that unless a sufficient amount of land is reserved after the execution of a decree for the maintenance of the judgment-debtor and his family the result will be chaos, confusion and disorder. Large sections of the population cannot be deprived of all the means of their livelihood without serious consequences, and if they are, the result will be that they will take to a life of crime and violence which may ultimately lead to a disaster of the first magnitude.

With these observations I bring my remarks to a close.

Mr. President : The question is—

That the Punjab Debtors' Protection 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, 24th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Monday, 25th November, 1935.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

OATH OF OFFICE.

Khan Bahadur Mian Abdul Aziz (Financial Commissioner) was sworn in.

THE PUNJAB DEBTORS' PROTECTION BILL.

Clause 1, Sub-clauses (2) and (3).

Mr. President : The Council will now proceed to consider the Punjab Debtors' Protection Bill clause by clause. The question is—

That sub-clauses (2) and (3) of clause 1 stand part of the Bill.

The motion was carried.

CLAUSE 2.

Mian Nurullah (Lyallpur, Muhammadan, Rural) : I beg to move—

That in clause 2, sub-clause (5) (ii) be omitted.

Now that we have taken this matter seriously in hand, we must try to stop all loopholes by which this Bill or any of its provisions can easily be evaded. To my mind so long as sub-clause (5) (ii) stands it is possible for any group of money-lenders to join hands and form a sort of a company and try to evade the provisions of this measure. Therefore it is necessary that we should delete this sub-clause. In Lyallpur many such fictitious companies exist. It is possible for any group of people to form such companies to get over this measure. Therefore I move the amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 2, sub-clause (5) (ii) be omitted.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : The amendment proposed is a very salutary one. If this Bill is to be really operative, then this loophole should be stopped. As has been hinted by the proposer of the amendment, any group of money-lenders or even the members of a joint Hindu family may register themselves into a company or society as contemplated in the Act of 1960 and may carry on the business of money-lending as individuals do at present. That would defeat the aims and objects of this Bill. I, therefore, whole-heartedly support the amendment.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : The object of the amendment is very good. But the question is whether in the absence of this amendment the clause as it stands will lead to the results which have been predicted by the honourable mover of the amendment. The definition of "money-lender" and "loan" and incidentally the present clause have been taken from the Regulation of Accounts Act. When that legislation was before this Council similar predictions were made. It was feared that if this loophole was allowed to remain then the money-lenders would form themselves into companies, get themselves registered under the Registration Act of 1860 and would be able to carry on money-lending on the old undesirable lines. But so far as I can recollect this Registration Act of 1860 is really meant for the registration of charitable societies. It has absolutely nothing to do with the ordinary companies registered under the Indian Companies Act. Therefore I feel that even if this clause is allowed to remain as it is, none of the consequences which are apprehended by the mover of the amendment are likely to arise. I do not, therefore, feel that I should accept the amendment.

Mian Nurullah : In view of the remarks of the honourable member for Rohtak, I beg leave to withdraw the amendment.

The motion was by leave withdrawn.

Mr. President : The question is—

That clause 2 stand part of the Bill.

The motion was carried.

CLAUSE 3.

Mr. President : The question is—

That clause 3 stand part of the Bill.

The motion was carried.

CLAUSE 4.

Mr. A. V. Askwith (Home Secretary) : The amendment which I have to move runs as follows :—

In clause 4 the words "who shall decide the period of alienation ; provided that the period of alienation shall in no case exceed twenty years" be omitted and the comma after the word "Collector" be replaced by a full-stop.

It will be seen that this is actually the first of three amendments which it is intended to move on behalf of Government to this clause 4. The three amendments are inter-related. It will be observed that the wording under clause 4 which this amendment proposes to delete was introduced in the course of the passage of the Bill through the select committee. I take it that the object of the select committee in including these words was to remove any misunderstandings that might have resulted from the first sentence in the clause. It might have been thought that the first words in the clause had the effect of destroying the protection which statutory agriculturists enjoy in regard to temporary alienations. Actually, however, the introduction of these words "Provided that the period of alienation should in no case exceed twenty years" not only saves the existing provisions of the Punjab Land Alienation Act but would have the effect of extending those provisions, so far as temporary alienations are concerned, to the case of

non-agriculturists. If the representatives of non-agriculturists in the Council were to make it clear that it is their desire that the provisions of the Alienation of Land Act should be so extended, then it would be another matter; but failing an assurance that they have that desire Government must necessarily oppose the extension of the Land Alienation Act which the inclusion of these words in the clause would involve. I, therefore, move the amendment.

Mr. President : Clause under consideration, amendment moved—

In clause 4 the words " who shall decide the period ; provided that the period of alienation shall in no case exceed twenty years " be omitted and the comma after the words " Collector " be replaced by a full-stop.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : If I have been able to understand the honourable mover of the amendment rightly, his object would seem to be that the period of twenty years, the maximum period of twenty years of alienation, applicable to the case of members of notified agricultural tribes should not be extended to the case of those who do not happen to belong to notified agricultural tribes. If this interpretation of mine in respect of this amendment is correct, then I feel I should oppose it. As I made clear in one of my speeches I have received many letters from non-agriculturist zamindars as they call themselves protesting that there was no reason why the same period of alienation should not be applied in their case as applies in the case of the members of statutory agricultural tribes. After all, they contend, they are agriculturists, that they depend for their livelihood on the produce of agricultural land and that they have no other means of livelihood open to them, that in many cases they have no other profession of even secondary importance to depend upon. Therefore they contend, and I think reasonably, that being agriculturists, though not statutory agriculturists, they should have the same rights and privileges when their land is being alienated as are enjoyed by the members of statutory agriculturist tribes. I think a period of twenty years is long enough in the case of both statutory and non-statutory agriculturists. So long as they are agriculturists by profession and depend chiefly or exclusively upon the income from land they should enjoy the same privilege as is at present enjoyed by statutory agriculturists. I, therefore, oppose the amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : If this is to be an extraordinary measure devised to meet the exigencies of the time, which has to meet the depression that is now prevailing in the province, I think we should be rather magnanimous and not too narrow-minded as this amendment indicates. After all, people who are living upon land, who are the backbone of the country, be they agriculturists declared as such by the Government or not, they are equally hard-pressed because they cannot make enough money for their produce when they take it to the markets. They are as much indebted and, therefore, as much entitled to get relief from the authorities as the statutory agriculturists. I see no justification why an exception should be made in favour of those only who are declared to be statutory agriculturists. There are large classes of people who have for generations been cultivating land and living upon land in the villages. They are as much agriculturists as anybody else in the province. Unfortunately probably by some oversight or some strange accident they have

[Sh. Abdul Ghani.]

not been included among statutory agriculturists. (*An honourable member* : Then include such people among agricultural tribes). I fail to see any justification for the differential treatment proposed. I am submitting that these people are entitled to the relief if any relief is contemplated by this House. Moreover we find that there are kamins residing in the villages and they have a right also to land and they possess land. They are very hard pressed and their economic condition is bad, if not worse than those of statutory agriculturists. I see no reason why Government should be so mindful of the interests of the statutory agriculturists alone to the prejudice of those who are not so declared. I, therefore, on the strength of these remarks oppose the amendment proposed by the Government.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): This amendment refers to that part of the Bill which has to come into force at once. I have already said that I am not in favour of any part of this Bill. But I think that so far as the amendment proposed by the Government is concerned, it is a reasonable one. The money-lenders advanced to non-agriculturists in the hope that they will not in any way be hampered by the Land Alienation Act in realising the decree. But now if you apply the provisions of the Land Alienation Act to a person to whom money was advanced by a creditor when he did not have the slightest apprehension of the application of that Act, it is unjust to the creditor. I do not mean to say that the other provisions of the Bill are free from this criticism. This criticism of mine applies to the rest of the Bill also. But so far as the amendment proposed by the Government goes, I think it is a very just one and as long as the distinction between the statutory agriculturists and non-statutory agriculturists is there, there is no reason for ignoring that distinction for the purpose of this clause.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : It is not understood on what ground the amendment is proposed by the Government. Probably it is assumed by Government that non-agriculturists do not owe any debts. The name of the present Bill is the Punjab Debtors' Protection Bill. Probably Government assumes, as I have said already, that the non-agriculturists are free from all kinds of debt and generally such non-agriculturists, leaving apart a few solitary instances, own very small patches of land and it is absolutely necessary that some protection should be afforded to them because their means of subsistence or livelihood are the land. Moreover on the floor of this House it has been generally said that members of the Unionist Party generally introduce class measures. We do not want to make any distinction between the agriculturists and non-agriculturists in the matter of land. There seems to be no reason why some sort of distinction should be made between the two classes of land-owners, whether they belong to agricultural tribes or not. Therefore it seems to be absolutely necessary that the same measure should apply to both classes of land-owners. I, therefore, oppose the Government amendment.

Kanwar Manraj Singh Chohan (Ambala-cum-Simla, non-Muhammadan, Rural) : I wish to support the amendment moved by Government. The section as modified by the select committee says, " notwithstanding

anything to the contrary contained in any other enactment for the time being in force". It means, notwithstanding anything contained in the Alienation of Land Act, the rest of the section would be applied. Now the land of an agriculturist is mortgaged for a period less than 20 years. Then the proceedings go to the collector under this section for permission to alienate it again. Now that you have already excluded the provisions of the Land Alienation Act, the land of an agriculturist which could ordinarily be alienated only for 20 years in the aggregate can now be alienated for a further period of 20 years under this section. I should congratulate the Government on trying to exclude these words and this will be for the benefit of those agriculturist debtors who are unfortunately so poor that they cannot prosecute their cases so carefully and so vigilantly and so ably as others. In any case when you have a section which legalises temporary alienation for more than 20 years, then it is the decree-holder who will take advantage of it and not the judgment-debtor. I think I have made it clear to the Leader of the Unionist Party. Under this section as it stands, as reported by the select committee, alienations of land for a period more than 20 years can in the aggregate be made, whereas under the existing law it cannot exceed 20 years. But the fear of the Government which appears from the next amendment of theirs is not so much well founded. Ordinarily when the land of a non-agriculturist judgment-debtor is to be alienated, then the decree-holder catches hold of the judgment-debtor and does not ask the court to grant temporary alienation but would ask the court to sell it permanently. I, therefore, support this amendment which has been moved by the Government because if this amendment is not carried, there is a loophole in the section in that under the section as it stands alienations for more than 20 years can take place which are not ordinarily permitted under the Alienation of Land Act.

As regards the other amendment of the Government to which I have alluded, I think Government has overdone its case. They are over-anxious to help the agriculturist and to protect the non-agriculturist and so it wants to introduce so many words by their subsequent amendment. I think if the collector is allowed to proceed according to the Land Alienation Act he cannot grant alienation for more than 20 years. I think this amendment is very sound and should be accepted.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): The first thing which I want to submit in this connection is one which has already been enunciated by the Leader of the Party, that we do not want to incur the odium that we are carrying this as a class measure. As my honourable colleague, Khan Bahadur Zaman Mehdi Khan, has also said, the title of the Bill as it stands, is the Debtors' Protection Bill and not statutory Agriculturists Protection Bill or other agriculturists Protection Bill. The relief which is sought to be given is to be given to debtors as a class and not to one class of people or other. It was argued even on the occasion of the Bill which preceded this, *i.e.*, the Indebtedness Relief Bill that we were passing a class measure. Even at that time we said that we did not want to pass a class measure and the same argument is there even now. We want to give relief to every debtor, be he a carpenter, a Khatri, a rural man or a townsman or anybody. It is because I do not want this to be a class measure that I oppose this amendment.

[K. S. Ch. Riasat Ali.]

The other thing is that this matter is more or less a matter of principle which has already been accepted. I would remind the House of the time when the Government itself had to amend the Land Alienation Act and an amending Bill was brought forward by the Honourable Sir Sikander Hyat-Khan in which the principle was involved. It was then passed that no alienation under the Act should exceed in any case more than 20 years. This is admitted that there have been rulings according to which there are alienations which exceed even 40 years and I know a case in Lyallpur in which alienation exceeded 50 years. So, as a matter of principle even the Government felt its necessity and brought in an amending Bill limiting the period to 20 years. Those people who depend on land, whether they are statutory agriculturists or not, must be protected equally. They should stand on the same footing. As soon as the possession of land or ownership of land even to the extent of one marla steps in, the pecuniary position of a Jat or a non-Jat is the same. The circumstances are absolutely the same of a man who is a statutory agriculturist as well as of the other. This is not a matter of accident. Now as I have said before, I have known people in every village, in every district, who are land-owners, big or small, non-statutory agriculturists, who are very keenly watching the proceedings and the various stages through which this Bill is passing. There is a keen demand from these people that they should be included and that in any sort of legislation that is passed their rights also should be protected. The pecuniary position of the people, whether they are agriculturists or non-agriculturists, is the same when they depend on land. The principle is that we have to save those people who depend mainly on land for their subsistence. As has been put by Kanwar Mamraj Singh Chohan, the next section, section 5 provides, "having regard to his other resources" and so on, in the matter of exemption of land from temporary alienation.

If the suggested amendment is carried, then this means that only those people will be covered by this amendment who depend only on land, because those who have other resources will be excluded by the next section. Therefore it is very essential that all those people who are debtors as a class should be included. Another thing, which I put at that time also, is, where is the logic that those people who do not happen to be agriculturists under the statute should not be deserving of our sympathy as much as the agriculturist sections of the people? Of course there might be people whose pecuniary circumstances might be such that they might stand on a different footing and in a great degree in need of our help. So we should not deny them this help by accepting the proposal of the Government and confining this section as proposed by the Government to the statutory agriculturists alone and up to a term of not more than 20 years. With these words I oppose the amendment.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): It is funny that such an amendment should come from the Government and our friends on the right side of the Government should support the Government in a matter of this nature. I have very often heard from those members proclaiming from house tops that the kamins and non-agriculturists living in the countryside have absolutely no representation and that the representatives of the zamindars are not protecting the rights of those people who

happen to be non-agriculturists and who happen to live in the countryside. This amendment is the acid test of the sincerity of the Government as well as the representatives who from time to time have been twitting us with inconsistency when they tell us that the zamindar members are always against the interests of the poor people living in the countryside. We must make our position very clear. We consider these people living in the countryside and who depend mainly on agricultural avocations of one kind or another as a part of ourselves and we are as much solicitous of their interests as we are solicitous about the interests of the statutory agriculturists (*hear, hear*). A charge should not be laid at our doors that when we speak in the name of zamindars we only care for the interests of the statutory agriculturists. We on our side are prepared to extend the protection that is sought to be given to the indebted classes to these classes also who though not members of the statutory agriculturist tribes are entirely dependent upon agriculture. If this protection is not accepted then it would not be open to these members who are supporting this amendment of the Government to-day to tell us late in the day that we have been rushing through this legislation irrespective of the interests of people who are indebted and who are living in the countryside. On the other side I would ask my friends on this side not to lay us open to the charge as is said in the Punjabi proverb *مان نالو هجلی پھیریا کوئی*. If these

people say that they are very mindful of the interests of those people, we have given our best consideration, we have made our offer to them, and if they do not accept it, we should be content with it and with having made an announcement of our policy and of our principles that we are prepared to help these people, but the Government does not give them that protection and those members who are supporting the Government do not give them that protection. Very often as soon as a measure of this nature is brought, very trenchant and very carping criticism is made against the members of the agricultural tribes and it is said that a class measure is being rushed through by the majority party in the Council. With these words I oppose the amendment of the Government.

Mian Nurullah (Lyallpur South, Muhammadan, Rural) : While supporting the arguments advanced by the honourable member from Hoshiarpur, I would like to point out that these amendments, if carried, would take away the privilege that already exists and is enjoyed by members of statutory agricultural tribes in the districts in which land is situated. For example, a Maud Brahman is an agriculturist in Jhelum district and not an agriculturist in Lyallpur. He will lose the privilege that he already enjoys in that district. Similarly if the Honourable Revenue Member were here I would have asked him if his tribe would not suffer if this amendment is carried. A Khattar who owns land in Lyallpur would certainly lose the privilege and his land can be sold and alienated in Lyallpur. In Lyallpur there are many clans who are not agriculturists. Similarly an Arain of Lyallpur owning land in Jhelum or Attock would lose that privilege because he is not an agriculturist in those districts. That is a very serious objection which Government is ignoring. Therefore, I oppose the amendment.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Nominated, non-official) : I do not propose to make a long speech. I wish to clear just one

[K. B. Mian Mushtaq Ahmad Gurmani.]

point. I greatly appreciate the noble idea underlying the speeches made by the Honourable the Leader and the members of the Unionist Party opposing the Government. Their intention is to extend the benefit of this clause to the non-agriculturist debtors also in as much as it will restrict the period of temporary alienation of their land in satisfaction of a civil court decree to twenty years. But there seems to be a misapprehension in their minds about this question. The clause as it originally stands in the Bill extends the scope of the Alienation of Land Act and creates an anomalous position. There is no restriction provided in the law for a non-agriculturist owner to alienate his land temporarily or permanently but by the proposed clause we are restricting the powers of civil courts to order a temporary alienation of land belonging to non-agriculturists for more than twenty years while no restriction will lie on the civil courts to order a sale of the said land. The result of adopting the original clause would be that in future the civil courts will be more inclined to order a sale of a non-agriculturist's land in satisfaction of a decree than to alienate temporarily. It would, therefore, not be in the interests of the non-agriculturists to restrict the period of temporary alienation of their land. Rather we shall be doing a harm to them in making this provision which I am sure is not the intention of the sponsor of this Bill. My second point is that the non-agriculturist land owners are generally business men or traders and do not entirely depend on the income from their lands. It would, therefore, be most undesirable to restrict their credit by imposing this restriction, at a time when it is most needed. I hope in view of these facts the Honourable Mover of the Bill will accept the Government amendment. With these words I support the amendment before the House.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): I have stood up to oppose the amendment moved by the Government to clause 4, and I request them to withdraw it. I do not like to see two rates of the same commodity prevailing in the same market. The Government should not treat two sections of their subjects in different ways. Time and again my friends on those benches have complained that zamindars always bring forward measures for the benefit of zamindars and they do not pay any attention to the interests of the non-agriculturist population of the province. Here was a clause in this Bill which stood for the common good of all, agriculturists and non-agriculturists alike, but my honourable friends are opposing that very clause by supporting the amendment proposed by the Government. The class to which the Government propose to deny the benefit of clause 4 are poorer than the zamindars and sahlukars. But it is very helpful to these people. It includes carpenters, blacksmiths, washermen and cobblers and all those people who perform very important duties for the people in the countryside. They depend entirely on zamindars; if zamindars have good harvest they get sufficient to eat; otherwise not. Therefore, the Government should treat them on the same footing as the zamindars in the matter of alienating their lands. This class of people deserve the help of the Government in the same way as any other class as they also are loyal subjects of the King. We all know that when the Government has to cope with the spread of an epidemic in a town it does not make any distinction between this class and that class. It thinks that

every class equally stands in need of help and attends to the needs of every class irrespective of its status in society. In the present case also they should not make a distinction. Let clause 4 be applied to all and sundry as is intended by the honourable mover of the Bill. In the law as it stands there are already many limitations in vogue. For instance, a time-limit of six or ten years is fixed for the execution of a decree. Then, certain debts become time-barred if application for their recovery is not made in time. So the Government, by agreeing to fix twenty years as a limit in the present case, will not be setting up a new precedent. In several other cases time-limits have been fixed already. Then, the poor non-agriculturists deserve the concession of a time limit for another reason too. These people have come by their lands with great difficulty. Zamindars have already sufficient lands in their possession. So the necessity of protecting the lands of these non-agriculturists is still greater and even more justified. If these people are not protected the zamindars will be put to great inconvenience because these people are a great asset to him. They assist him in every walk of life. He simply cannot do without the help of his carpenters, washermen, blacksmiths, cobblers and other menials. So, by protecting these people you will be indirectly protecting the zamindar. You should in all fairness and justice fix a time limit after which the land of a non-agriculturist should be released from burden. Even a person convicted of murder has the chance of coming out of prison after fourteen years, that is, there is a limit to his sufferings. But you propose by this amendment to let the poor non-agriculturist borrower suffer for an indefinite number of years during which time his land will be in the possession of his creditors. Even the time limit of 20 years is excessive. I should have liked to fix it at eight or ten years. Because as we all know in twenty years a baby grows up to be a full-fledged young man capable of producing other babies (*laughter*). I will again request the Government not to press their amendment. They should treat all their subjects equitably and equally. After all people consider them their *mai bap*. Let them know that like all good parents the Government make no distinction between this child and that child. Otherwise they will be failing in their duty as *mai bap* of the people. I have great apprehensions that if people see that the Government are making invidious distinctions in favour of one section of its subjects as against the other, they will resent this attitude. And then there will be risings against the Government. The astute gentlemen at the helm of affairs in this Government should try to avert such a calamity. If the Government do not desist from pressing their amendment and it is carried a stigma will be left on its fair name. With these words I once more request the Government to let a time limit be fixed after which a non-agriculturist may hope to regain his land.

The Honourable Mr. D. J. Boyd (Finance Member): The last speaker has urged that it is the duty of Government to protect the poorest of its subjects and for that reason the Government should withdraw this amendment. The reason why Government have proposed this amendment is that the clause as it stands operates to extend the provisions of the Punjab Alienation of Land Act to land which belongs to persons who are not members of notified agricultural tribes. The Government have always taken up the position that the principles and the application of the Punjab Alienation of Land Act are not to be extended or whittled down without the sanction.

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

of the parties concerned. This is one very good reason for proposing the amendment and as the parties concerned do not desire that the limit of 20 years be applied to temporary alienations of their land we are bound to press this amendment. The Leader of the Unionist Party has told us that he has received several representations from owners of land who are not members of notified agricultural tribes asking that the benefits of this clause or perhaps of the Bill as a whole be extended to them. The Government is a constitutional Government and it approves the constitutional position that the views of the public are correctly represented by their natural representatives in this House. The natural representatives of the class who do not belong to notified agricultural tribes are the party sitting on my right and I think we must accept their attitude towards this amendment as the authoritative attitude of non-agriculturists. I should also make it clear,—I think I tried to make it clear in my previous speech but I wish to repeat it—that the support of Government to this part of the Bill was conditional on the passing of this with one or two other amendments, certainly on the passing of this particular amendment, and Government's attitude towards this portion of the Bill may be affected by the fate of this amendment.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural): The honourable member, Rao Bahadur Chaudhri Chhotu Ram and his party have tried to explain to the House that this amendment of theirs is a real protection to the landholder, whether he belongs to agricultural or non-agricultural tribes. I submit that it is not so. If the honourable member, Rao Bahadur Chaudhri Chhotu Ram, is really anxious to protect a member of a non-agricultural tribe who holds land, this clause should be worded in a different manner altogether. Kindly read the clause as it stands. It runs :—

“Notwithstanding anything contained in any other enactment for the time being in force, whenever a Civil Court orders that land be attached and alienated temporarily in the execution of a decree for the payment of money the proceedings of such attachment and alienation shall be transferred to the Collector, who shall decide the period of alienation ; provided that the period of alienation shall in no case exceed twenty years.”

The question is this and I would like to make it clear by taking an illustration. Let us take a money-lender who obtains a decree for Rs. 500 against, say, a member of a non-agricultural tribe who holds land. Under the law a decree can be passed for the recovery of Rs. 500. The board while executing the money decree orders the land to be sold. What happens then under this clause? It is only when the civil court orders that the land be attached and alienated temporarily that the clause comes into operation. But there is no bar against the court ordering the sale of the land of the non-agriculturists landholders. Where then is the boasted protection that under this clause you say you have given to the non-agriculturists landholders? If the civil court passes a decree and orders the sale, not a temporary alienation as stated here but the sale of the land, there is no protection. The clause put in by Government stands entirely on the same footing. Undoubtedly the idea of the Government is that this clause may be made more clear. But so far as the honourable member for Rohtak, Chaudhri Chhotu Ram, and his party are concerned, they are not giving any protection to the non-agriculturists landholder. They are entirely wrong in saying that by enacting a clause of this kind they are protecting the poor non-agriculturist.

The civil court is not going to say when the law exists that the land should not be sold. That is the proposition which I wish Rao Bahadur Chaudhri Chhotu Ram to take into consideration. Do not try to throw dust in the eyes of the people by saying that you are going to protect them. I would therefore respectfully submit that if Rao Bahadur Chaudhri Chhotu Ram is really anxious to give some sort of protection to the non-agriculturist landholder he should frame the clause in a different manner.

Khan Bahadur Nawab Muhammad Hayat Qureshi (Shahpur West, Muhammadan, Rural) (*Urdu*): I had no intention to take part in this debate but for the remarks made by the honourable member who has preceded me. He has complained that this clause does not give protection to landlords who do not belong to the agricultural tribes. That is true, but that is no fault of ours. It was the duty of the party to which the honourable member belongs and of the leader of his party to have brought forward an amendment seeking to give protection to such landlords. I may assure him that if his party or the leader of his party had brought forward such an amendment, we would have gladly agreed to it. We do not want it to be said that we are here to safeguard the interests of statutory agriculturists alone. We are prepared to protect the interests of all landlords irrespective of the fact whether they belong to the statutory agricultural tribes or not. But when the honourable member and his party do not want such protection to be given to landlords not belonging to statutory agriculturists, we cannot help it. However, I shall respectfully request the leader of my party to agree to the amendment proposed by the Government.

Mr. J. D. Anderson (Legal Remembrancer): I should like to emphasise one point which has been brought out only in part. The courts of this province are, in spite of the doubt with which I think some members of this House regard them, primarily courts of justice. Their job is to do justice between the parties before them. A man gets a decree against a judgment-debtor who is not a member of a notified agricultural tribe. The judgment-debtor has incurred his debt while his land gave him unlimited security, security for a term of years to which there is no limit at all. Once a judgment-debtor has got that decree he can execute it either by having the land sold or by having a temporary alienation made for a term of years. If you are going to limit the term of years you are compelling the court in so far as it is a court of justice to order the sale of that land. This amendment is, if real justice is to be done, absolutely necessary. Otherwise you are extending the principles of the Land Alienation Act in one small respect only to people who do not want it and should feel with justice that it is going to be to their disadvantage.

Mr. President: Question is—

In clause 4 the words "who shall decide the period of alienation; provided that the period of alienation shall in no case exceed twenty years" be omitted and the comma after the word "collector" be replaced by a full-stop.

The motion was carried.

Mr. A. V. Askwith: I move—

In clause 4 the following be added as sub-clause (2):—

"(2) On the proceedings being transferred to him by the civil court the Collector shall decide the period of alienation, which shall not exceed twenty years in the

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case of land owned by a member of a statutory agricultural tribe, determined to be such by the local Government in exercise of the powers conferred by section 4 of the Punjab Alienation of Land Act, 1900.²³

The motion was carried.

Mr. President : The question is—

That clause 4 as amended stand part of the Bill.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : If any particular matter is to be decided judicially and on settled principles of law and is not to be dependent in future on the mere discretion of an officer, it is a matter of indifference as far as merits of a decision are concerned, whether that is decided by the civil courts or by the revenue courts. If the proposal to transfer the execution proceedings from the civil courts to the collector proceeds from a distrust of the civil courts, and a hope that the collector would lean towards the debtors, I feel sure that this partiality is not likely to be displayed once it is made a statutory obligation as is now proposed, that the collector is to act judicially.

Khan Sahib Chaudhri Riasat Ali : I rise to a point of order. Whether the collector should act judicially or not is a question to be discussed under clause 6. Clause 4 only lays down that the proceedings should be transferred to the collector. The honourable member is discussing the question of mistrust of civil courts and of placing full confidence in the collector. I would submit that his remarks are premature and the question is not under discussion so far as clause 4 is concerned.

Rai Bahadur Mr. Mukand Lal Puri : I was submitting that it was really a matter of indifference, if these officers have to decide correctly, according to their conscience and according to law, whether Messrs. Mitchell and Marshall decide it as commissioners or whether Messrs. Martin and Din Muhammad decide it as district judges. Therefore the question whether the proceedings in execution of a decree of a civil court should be transferred to a revenue officer or revenue court is a question which should be examined on its merits quite apart from the question whether it is going to help the debtor or creditor. The question is whether this change is desirable from an administrative point of view, whether it is an advance in the right direction to transfer judicial work from civil courts to executive officers, and whether on *a priori* grounds it is desirable that decrees passed by courts should be sent to courts of different jurisdiction for execution and whether this change can be at all defended on any inherent grounds or in the light of experience.

What is the present practice? The present practice is that proposals

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are invited for leases from the collector in this matter and they are considered by the court which is executing the decree. In a vast majority of cases they are accepted. I state on data obtained from reliable statistics that in 93 per cent. cases civil courts have accepted the suggestions made by the collectors in this respect. But in some cases where the collector's proposals happened to be incorrect they were modified as they should have been by the civil courts in the light of further investigation conducted by them. The decisions of the civil courts are subject to appeal and if any civil court has arbitrarily rejected the pro-

posal of the collector, it is set right in appeal. This procedure of inviting the opinion of the collector with respect to temporary alienations of agricultural land is by no means a novel procedure but is in consonance with the practice of civil courts in all matters in which any expert assistance is necessary. Whenever any civil court wants advice on any technical matter, it obtains it by the appointment of a commissioner; if the matter relates to taking accounts, a person well versed in accounts is appointed as a commissioner to go into accounts and make a report and where a matter relates to mesne profits, then a person who can do that work efficiently is asked to report; if the mesne profits of buildings are in question then an engineer, may be the Chief Engineer, is appointed; if the question is finding out the mesne profits of land, then some land revenue officer is asked to investigate and report; if it is a matter of demarcation of boundaries then an officer who is connected with survey is appointed. After these reports are received, the courts in the light of any further material which may be brought on record adjudicate on these matters. They either accept the reports in their entirety or with modifications found necessary in the light of further enquiry. In most cases they are accepted. Therefore the present practice in the matter of temporary alienations of agricultural land is nothing novel; it is the same which is adopted by the civil courts in all matters of a similar nature. The civil court continues seized of the matter and the experts only act as ministerial officers.

The present proposal however is in certain contingencies to transfer the matter in its entirety to the collector, providing for appeals to the commissioners and reviews to Financial Commissioners and oust entirely the jurisdiction of civil courts which passed the decree and which are naturally interested in seeing that their decrees are not nullified. This proposal is open to very serious objections. This would in the first instance throw too much burden on the collectors who are already overworked. Almost every collector has pointed that out. Again the work will not be well done because this is not their main work but additional work thrown on them, the primary responsibility of the work being on civil courts. Several collectors have emphasized this aspect, a fact which is in accordance with human experience. Again, this is likely to be highly inconvenient to the litigants. The civil courts are stationary while the collectors are usually on tour. For appeal, the litigants will have to go to commissioners far away from their districts while the district judges sit at the head-quarters of their own district, within easy access of the litigants. Further this proposal proceeds from an unnecessary and unwarrantable distrust of civil courts and its acceptance implies a slur upon that administration, a proceeding to which Government ought not to be a party. Again, the present proposal is open to a serious objection as a matter of principle in as much as this amounts to transfer from the judiciary of judicial work to the executive, and this is therefore a retrograde step. Gradually the deputy commissioners, although technically invested with criminal powers have been relieved of their criminal work by the appointment of additional district magistrates. They are also being gradually relieved of revenue work by delegation and it will be a retrograde step if the work of civil courts is transferred to officers whose primary work is not judicial but executive. I have long been of opinion that it would lead to considerable economy and efficiency, if the work which is at present being

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done by the revenue courts in this province were taken away from the revenue courts and transferred to the sub-judges. In this matter I am not at all referring to the work which the revenue cadre perform as revenue officers, that is, work like the appointments, etc., of lambardars, zaildars and mutation which is of a semi executive character and which should be continued to be performed by them, but the work which they do as a revenue court should no longer be done by them but should be transferred to sub-judges and district judges from the courts of collectors of all grades and commissioners. This is the direction in which the reform of the judicial system of the province ought to take place. The work will be done better, more cheaply, more expeditiously, to the advantage and convenience of litigants and at considerable saving of cost to the administration. This is a matter which we considered in the Retrenchment Committee.

Mr. President : Reformation of the judiciary in the province is not under discussion.

Rai Bahadur Mr. Mukand Lal Puri : Sir, I am submitting that the transfer from judicial courts of the work of a judicial nature to officers whose main work is executive is a retrograde step and the entire movement for reform should be for the transfer of whatever judicial work is being done by the executive officers.

Mr. President : That matter is not before the House. What the section aims at is, that certain proceedings which are dealt with by the civil courts should be transferred to collectors. Its converse is not before us.

Rai Bahadur Mr. Mukand Lal Puri : I submit therefore that the effect of this proposal will be to transfer from the judiciary work which properly belongs to them to the executive officer and it is a retrograde step. The collector and the commissioner have enough work of superintendence and co-ordination if they are not further burdened with this judicial work of other courts. Again, what is the result of the present proposal? It is to create two jurisdictions in one matter and thus to lead to conflict and confusion of jurisdictions. Supposing an execution is pending before a sub-judge and the sub-judge decides to have temporary alienation. Or again, take the case where the insolvency proceedings are pending before a district judge and a receiver has been appointed in whom the entire property vests. The district judge in insolvency cases or the sub-judge in execution proceedings decides to make a temporary alienation of the land. The proceedings will, under the present proposal, be transferred to the court of collector who will summon parties. After the parties have been served before the collectors, the parties will be given opportunity to produce evidence. The witnesses, including the patwari and other subordinate revenue officers will be summoned and examined by both the parties and the collector will decide this matter "judicially", like an ordinary suit. After this matter has been decided by the collector it will be taken to the appellate court and all the parties will have to go to the commissioner. While these proceedings continue before the collector and the commissioner, and in some cases up to the Financial Commissioner execution proceedings relating to the same decree continue simultaneously with respect to other property in the court.

of sub-judge or the district judge. How very anomalous that the parties should be carrying on execution proceedings relating to the same decree at one and the same time in two courts of independent jurisdiction. If an order against a party is passed by the sub-judge, against that order the parties must run to the district judge. If an order is passed by the collector, the aggrieved party is directed for appeal to the commissioner. Therefore in one and the same matter which is the execution of a simple money-decree you provide by this new legislation one series of appeals and revisions to the revenue courts up to the Financial Commissioner and another series of appeals and revisions to the civil court up to the High Court. I ask in all honesty, for what reason and to what end? If you legislate as you propose to do, if you are laying down the principles on which the collector is to act and if he is to act judicially, what gain do you get by transferring the case from the court of the district judge to that of the collector? It is certainly convenient to the parties to have that matter decided in a civil court. The district judge sits at the head-quarters while the collector tours about; it is highly inconvenient for a litigant and especially a debtor litigant in impoverished circumstances to run up to Julundur from Kangra or from Mianwali to Rawalpindi instead of having his appeal decided in his own district. It is to the interest of the debtor to have one appeal to one court where this matter will be decided along with other matters than to have two appeals. The proposal therefore obviously and necessarily involves more litigation and expense. On no ground of convenience, on no ground of simplification of procedure, on no ground whatever, can you justify this transfer to the collector. What is the reason, then for this transfer except distrust of the judicial officers? It has not been suggested and it would be entirely incorrect if any one were to suggest that civil courts are not conversant with revenue law. Every sub-judge undergoes a period of training in revenue law and passes an examination but if some people think that a longer period of training is necessary that can be arranged, or if they think that some persons more conversant with revenue law should act as sub-judges, a few officers of the Provincial Civil Service from the revenue line could be appointed as sub-judges or district judges if necessary. I earnestly ask the sponsors of this transfer to tell the house what ground of principle, what ground of convenience, what ground of improvement in procedure or anything else do they expect from this transfer? Therefore I am definitely opposed to this proposal as a retrograde proposal. I most respectfully submit that we need have no mistrust of the civil courts inasmuch as every court whether that of collector or of sub-judge will have to act judicially. If there is no *a priori* ground for transfer, let us see if the experience of those gentlemen who have been, as collectors, advising in this matter, points to any different conclusion. Let us see what opinion has been expressed by these experienced officers about the proposed transfer, in the light of their long experience of this matter.

In the first instance, I start with the opinion of the revenue officer. At top of the tree is the learned Financial Commissioner who in agreement with the Registrar of Co-operative Societies is opposed to the transfer and does not approve of it. Of the five commissioners three commissioners only sent opinions on the Bill. All are definitely opposed to this transfer. I read out to you the other day the very clear and illuminating opinion of the Commissioner of Multan. He is opposed to it. I will now place before you

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the opinion of the Commissioner of Rawalpindi. He says—

“I would try to avoid throwing more work on the already harassed collector in the way suggested by clause 3.”

The Commissioner of Jullundur is very explicit on this point. He says—

“I doubt the advisability of a system whereby there will be two independent bodies, the civil court and the collector, exercising jurisdiction in the same matter. It will moreover be in the power of the collector to nullify a decree of the civil court, as execution will now vest in the collector. As the collector is to act judicially both parties will have the right to be represented by counsel and this will certainly lead to delay and expense. A debtor can at present call evidence before the civil court as to his means and the amount of land in his possession, and he can do no more before the collector. It is not obvious what advantage he will gain from this new Act, unless it is assumed that all civil courts are prejudiced against the zamindar in favour of the money-lender.”

It is not merely on account of the increase of work which would necessarily be thrown upon the collector or the commissioner that they are opposed to the proposal. They give administrative and other reasons for opposing the matter.

Let us see what the collectors say. Unlike Rao Bahadur Chaudhri Chhotu Ram, when I place before this House the opinions of the collectors I take the responsibility of having scrutinised them myself carefully and I wish to state that the analysis which I am presenting before you is absolutely correct so far as my efforts can ensure that accuracy.

Mr. President : The honourable member should avoid repetition.

Rai Bahadur Mr. Mukand Lal Puri : I will try to avoid repetition as far as it is possible. Twenty-eight collectors including an additional district magistrate and a magistrate of the first class have expressed opinions on clause 4, which was the number of the clause in the original Bill. Six of them do not express any opinion at all in respect to this matter. Out of the remaining 22, only four have expressed an opinion in favour of the change. One is the Deputy Commissioner, Jhang, who merely states that he agrees with the opinion of his public prosecutor and with respect to which the Commissioner, Multan, observes that the argument of the Deputy Commissioner, Jhang, has only to be read to be rejected. The second is the Deputy Commissioner, Ferozepore, whose opinion on the whole Bill is expressed in one sentence, which is that “sections 8 to 9 will go to help the debtor.” There is absolutely no discussion, or criticism of any of the provisions. The third is the Deputy Commissioner of Rohtak who although opposed to all the other provisions of the Bill, does not see any objection to this. The Deputy Commissioner of Rawalpindi is also in favour of transfer. All the remaining 18 deputy commissioners, and two additional collectors have criticised adversely the proposed transfer and have pointed out that the proposed change is administratively unsound, unnecessary and uncalled for. They have also said that this would lead to conflict of jurisdiction and inconvenience to litigants. I have collected extracts from the opinions of these 18 collectors, but as you have prohibited me from reading them out, I cannot do so, but if you had permitted me to do so you would have noticed how very emphatic and outspoken, is their opposition to this proposal. Of the permanent judges of the High Court with the exception of one, no judge has

expressed an opinion in favour of the proposed change. The opinion of the temporary judges is divided on this point. The one judge who is in its favour says in half a line that he is in favour of it if it would lead to simplicity of procedure. Would this lead to simplicity of procedure to have matters arising out of the same litigation carried on in two courts of independent jurisdictions at one and the same time?

Mr. President : The honourable member has said so more than once.

Rai Bahadur Mr. Mukand Lal Puri : I am merely emphasising my point. It is very necessary to point out to the Government who ultimately are responsible for good administration and sane and just laws, whether any case has been made out for this change. In my opinion, no case has been made out for this change. Every argument points to this : Here is a continuance of a practice against which no sound reason has been adduced. Here is the practice which has existed for a considerable time. Before changing the established practice on a purely sentimental ground a very strong case should be made out for it.

Mr. President : This point also has already been advanced by the honourable member.

Rai Bahadur Mr. Mukand Lal Puri : I am merely emphasising that argument.

Mr. President : I cannot allow repetition of argument for the sake of emphasis.

Rai Bahadur Mr. Mukand Lal Puri : I submit that the Government should take this House into its confidence and state the reasons which have actuated it at this stage to accept the proposal made by a private member of the House and which is open to the objections which I have ventured to submit to the House and which is also against the advice given to it by its best experts like the Financial Commissioner, Commissioners and others. If Government is in possession of any other advice beyond that which is given in the opinions which have been circulated to us it must place such advice before us. The Government should not adopt an attitude of dumb indifference. With these words I oppose this proposal which is neither supported by principle nor by experience nor by any visible line of policy.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : I have been trying to find out if there was any justification for the very strong appeal that has been made by the other side, but I have not been able to find any. My learned friend, Rai Bahadur Mr. Mukand Lal Puri, began by saying that perhaps my party which is sponsoring this Bill had some mistrust in civil courts. I shall show presently that that is not the case. So far as this clause is concerned we have got no fears if the cases go to civil courts. This clause is not based on any suspicions or misgivings in regard to civil courts. We take our stand upon convenience, upon efficiency and upon accuracy. These are the three considerations that are goading us on to put this proposal before the House. I say efficiency because we know that in matters of this sort it is only the revenue officers who have got all the documents in their possession, who can very speedily and very efficiently come

[Sh. Abdul Gham.]

to a right and accurate estimate of the produce that is to be computed for the money decree that has to be satisfied. We all know that in every tahsil there are *lalkitab* and other documents giving the yearly outturn per acre. We also know that in the different ilaqas with different qualities of soil and different grades of production, the revenue office is replete with the requisite information. All authenticated information in regard to these particulars is at the command of the revenue officers who are represented by the collector. Therefore they are in a much better position to verify these matters than the civil courts at the headquarters. With forty cases and more to be disposed of in a day and one hundred execution petitions to be dealt with the civil court cannot do justice to these proceedings. My learned friend who is a lawyer and has had sufficient experience of the working of civil courts fully realises the force of this. He must know that it is almost impossible for any civil court to go into all those complicated cases of computation and calculation while it is very easy for the revenue officers who have all those documents in their possession which are necessary for the purpose and who can go to the spot and take evidence and examine the nature of the soil and of the crops during their tours. I do not therefore see any harm if all this is done by the revenue court. The object of bringing this proposal before the House is simply to get at accuracy, efficiency and nothing else. Why should we mistrust the civil courts? When we can trust them in respect of civil suits involving thousands and lakhs of rupees, I do not think that in this respect alone we should have any misgivings about these proceedings.

It is all very well to quote the opinions of the collectors and commissioners to whom this Bill was circulated for expressing opinions. It is only natural for all collectors to be averse to this change, for, after all they have got a lot of work and this would add to that. It is, therefore, only in the normal course of things that they should be averse to any additional burden on their shoulders. There is another reason also why they should be averse to this proposal. Their disposal of the execution petitions can be appealed against to the commissioners and it is possible that the commissioners when disposing of the appeals may pass adverse remarks on the decisions of the revenue officers which may be detrimental to their interests. That is why these collectors do not approve of the proposal for the change.

Certain other arguments were advanced by the other side which are not of a convincing nature. It was said that it was more convenient for litigants to resort to civil courts which were stationary at headquarters than to be running after the collectors who will be always on tour. Rather the argument must be in favour of the proposed change. Because the revenue officers while on tour in that part of the ilaqa where the land is situated can examine it and also the records connected with it and would be in the best position to make calculations this is much more preferable. I do not think this would be injurious in any way to the interests of anybody. Generally the civil courts are over-worked and further they have to ask the revenue officers for reports and they have ultimately to depend upon the reports of revenue officers. As the matter at present is ultimately for the civil courts to decide, the revenue officers do not feel a sense of responsibility in preparing their reports in view of the fact that the civil courts are not bound to accept

the reports of the revenue officers. It is in order to fix responsibility on the revenue officers that this change is proposed. By this change the collectors will feel greater sense of responsibility in the matter of accuracy of their reports. They will know that their decisions are appealable and will therefore be more careful in preparing the report. From every point of view the proposal is, in my opinion, a very salutary one and should therefore be agreed to. I will only urge once again that it is not because of any mistrust in the civil courts that this change is proposed to be made but because it is considered that the change is conducive to greater accuracy and efficiency.

Chaudhri Asadullah Khan (Sialkot, Muhammadan, Rural): The honourable member for Industries, Rai Bahadur Mr. Mukand Lal Puri started by saying that it was a matter of indifference whether the civil courts decided this matter or the collectors decided it. That would show the real point of view of the honourable member on this point and the rest of his speech, in my opinion, is merely playing to the gallery. If he sincerely thinks that it is a matter of indifference whether the civil courts decided it or whether the collectors decided it, why should he worry about the transfer of jurisdiction in this matter to the collector's court? Then he says that the collectors are already over-worked.

Mr. President: The insinuation that in advancing certain arguments the honourable Mr. Mukand Lal Puri was playing to the gallery ascribes a motive and, therefore, should be withdrawn.

Chaudhri Asadullah Khan: I did not mean to offend anybody and I withdraw what I said if it has in any way displeased the honourable member. What I wanted to say was that the first part of his argument was really contradictory of the rest of his argument. The second part of his argument was that the collectors being over-worked already should not be entrusted with this additional work. There again in his very next argument he contradicted himself and he said that most of the criminal work now entrusted to the collectors is being done by additional officers appointed for this work as also revenue work by revenue officers who have taken off a lot of work from the shoulders of the collectors. So that in his first sentence he says that they are over-worked and in his second sentence he says that they are not overworked. Therefore his argument has no weight at all. He further says that this Bill is merely based on the whims of a party. I would say the opposition to this clause is based on the whims of a party, because if the thing is a matter of indifference, what else is it except the whim of a party to oppose this clause which says exactly the same thing as the honourable member says, a matter of indifference as to whether this court or the other court decides the case. Then he quoted the opinion of revenue officers. I would say that these officers being themselves interested parties because additional work is being given to them would naturally resent it and therefore their opinion would not amount to anything. But the opinions of those who are in favour, I am sure some of them have given opinions in favour of this clause—really count because in spite of the fact that these officers are being given additional work they still welcome it judging the importance of this work and on account of the real simplicity of procedure. Then he quoted the opinion of an Honourable Judge of the Honourable High Court who held that if the change would lead to simplicity of procedure he would welcome it. The Honourable Judge had the clause before him and therefore

[Ch. Asadullah Khan.]

his saying that if this would lead to simplicity of procedure he welcomed it shows that in his heart of hearts he did feel that it would lead to simplicity of procedure; otherwise it was simple for him to have said that it would not lead to simplicity of procedure and therefore this clause was unnecessary. Then the honourable member said that this measure was based merely on sentimental reasons. I beg to differ from him even in that respect. It is not based on sentimental reasons. But it is based on practice which is already being observed and judged by us. What now happens is exactly the same as what will happen under this Bill when it becomes an Act. (*Diwan Bahadur Raja Narendra Nath*: Why ask for a change?) That is exactly what I am saying. This is no change. This is only giving judicial sanction to a practice which already prevails. (*Diwan Bahadur Raja Narendra Nath*: What is the necessity for it?) Therefore if what is already being done is palatable to those who are opposing this clause, why should they now say that it should not have legislative approval. This shows that it is not those who are favouring this clause who have a mistrust of the civil courts but it is those who are opposing this clause who have mistrust of the collectors. The reason why this clause is being introduced is not because there is any mistrust of civil courts but because the collectors are better conversant with matters of land. (*Interruption*). I do not say anything about the collectors' ability in deciding the case, what I am now submitting is that the collectors know about matters relating to land more than the civil courts. Therefore I would say that there is nothing in this clause which can be said to have been based on sentimental reasons or whims of a party. It is rather based on practical convention which is now being given judicial shape and I, therefore, say that the clause is a very important one and I support it.

Sardar Arjan Singh (Hoshiarpur and Kangra, Sikh, Rural): It would only be an exhibition of morbid mentality if anybody were to cast aspersions on one class of officers or another. To say that because judges are recruited from a certain class they are biased in favour of a certain class is as bad as to suggest that because collectors or revenue officers are recruited from another class they are inclined or have leanings to this class.

Mr. President: Did any one make such a suggestion?

Sardar Arjan Singh: Exactly; arguments were based on that.

Mr. President: Not, so far as I can recollect.

Sardar Arjan Singh: I think my friend said that there is an apprehension in the minds of those who are supporting this that these judicial officers have a bias (*An honourable member*: Distrust). Distrust or bias—I am using a milder word 'bias.' Therefore I say we should not cast any aspersions. As a matter of fact I think my friend suggested that as soon as collectors commenced to act judicially there would absolutely be no complaint and that they would not be showing any favour to any class. As a matter of fact he suggested that collectors had so far been acting in a haphazard manner or in a slipshod manner and he admitted that when responsibility is cast upon the collector by this statute, he would work judicially and evidence would be adduced and there is a provision for appeals against the order of the collector who will therefore apply his mind more clearly to the work before him. My friend has himself suggested that the work would

now be done in a much better way and in a much more efficient way and that the procedure that is going to be adopted would certainly be a distinct improvement upon the procedure that is now in vogue. I, therefore, fail to understand why he used the word revolutionary in respect to the change. As has been explained the procedure is already there. The collectors are already as a matter of fact called upon by the civil courts to help them in deciding these matters. To say therefore that any revolutionary change is being introduced is certainly against facts. Therefore I think there has been some undue delay in the disposal of these cases on account of the dual control that is in existence. The judicial officers have to make a reference to the collectors. The collectors give their opinion and sometimes their opinion is accepted and sometimes it is not. Therefore there has been undue delay in this procedure and in order to do away with that procedure this clause has been suggested. I, therefore, support it.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): The difficulty about this clause is that the honourable member who has opposed clause 4 has forgotten that no rule so far has been framed under section 68 of the Civil Procedure Code. Had there been any rules, there would not have been the least anxiety to bring forward this clause. The object of this clause is the same as the object of that section as given in section 68. It is in one sentence and is as follows:—

The object of these provisions is well-known. In different parts of India the effect of sales in execution of decree was to transfer landed estates from the old families to modern speculators. The strong opinion was entertained by certain members of the Government of India that these results of the administration of civil justice wereinexpedient and it was suggested that some procedure might be devised by which the chief executive officer of the district would be enabled to liquidate the debts of encumbered land-holders without the immediate sale of their estates and so to preserve the old landed gentry of the country.

I do not want to add a single sentence for the justification of the inclusion of this clause in this Bill. This alone will do. Now, Mr. Puri should also remember, being one of the best lawyers of the province, that sections 71 and 72 give the same powers which the proposed clause gives. I do not want to repeat the arguments, but I would only like to say that the word is now "may" and we want the word "shall" instead of "may." As I said the other day in another connection the word "may" has already run sufficiently its track and unless it is replaced by the word "shall" the results which we want to achieve cannot be achieved. He should also remember that under section 72 according to the rules framed by the local Government in No. 1 (d), dated 1st January 1909 the same provisions do exist. According to rule 18 of the High Court Rules and Orders, Part M, it is still there that even in those cases in which the land of an agriculturist cannot be permanently alienated or sold, the civil court might transfer its files for its temporary alienation to the collector. Even there as enunciated in rule 18 Part M of High Court Rules and Orders, the power still rests with the civil courts. But there is the discretion which we want to avoid. The principle is recognised even in both cases, in cases where the land belongs to a statutory agriculturist as well as in cases where the land does not belong to a statutory agriculturist. In both cases the civil court has the discretion to transfer the proceedings to a collector when ordering the attachment and temporary alienation of land.

[K. S. Ch. Riasat Ali.]

During the course of his argument the honourable member referred to the matter of appeals and I will refer him to the rule framed under 1-D of 1st January 1909. If under Section 72 of the Code of Civil Procedure 1908 the court is authorised to provide for the satisfaction of a decree by temporary alienation or management of land or of a share in land then any order passed by a gazetted subordinate of the collector in exercise of the authority conferred by the Court under this section shall be appealable to the collector and any order passed by the collector in exercise of such authority shall be appealable to the commissioner as an order appealable under section 13 of the Land Revenue Act. This action is provided by rule 1 as framed. When once the file is transferred to the court of the collector an appeal shall lie to the revenue authority and not to the district judge. That matter is not a new one.

Mr. President : That is not under discussion.

Khan Sahib Chaudhri Riasat Ali : The question of transfer is under discussion and the honourable member gave arguments which I have replied to. It has been said that the collector will be over-burdened. This was felt in the select committee and we decided that those powers should be delegated to some other revenue officer of the district. It was, therefore, that we adopted the definition of the word "collector" as given in this chapter. That was the only reason why we wanted to relieve him of the extra burden and why we adopted this definition as given in the Land Revenue Act. In this connection I will only quote a well-known persian verse :—

ہر کسے را کارے سازند

(Every body is meant for a particular job). If civil court is meant as a machine to pass decrees, the collector is certainly meant to—

Rai Bahadur Mr. Mukand Lal Puri : To nullify them.

Khan Sahib Chaudhri Riasat Ali : To act as a ministerial officer. As I am not to repeat the argument advanced by others, I will read out the opinions straight away as given by certain officers. Justice Abdul Rashid says—

The provisions of section 3 of the Bill are also of a very salutary character. At present when temporary alienation of agricultural land has to be resorted to in the execution of a decree, the execution proceedings are partly carried out by the civil court and partly by the Collector.

Mr. President : The honourable member is now repeating his own arguments as well as the arguments of other members.

Khan Sahib Chaudhri Riasat Ali : The next sentence is not a repetition. That is a new thing and the honourable members could not have understood the reference unless I had repeated the whole—

If all these proceedings are transferred to the Collector, it would result in the execution proceedings being expedited.

This is the only sentence which I wanted to read. One other sentence is from the opinion of Mr. Justice Skemp :—

I approve of clauses 3 and 4 on the whole. Somewhat doubtfully of 3, but would welcome it experimentally as a possible improvement on the present dyarchie em.

Similar is the opinion of Mr. Justice Munroe, *i. e.*, the simplification of procedure which is the subject of section 3 is very desirable. There is a larger bulk of opinions than those quoted by the honourable member which goes to show that this is the most salutary provision and the most desirable one under the circumstances. One sentence about conveyance and the suggestion that people will be asked to go to more distant places following the collector on tour and it will not be a convenient arrangement. While making this statement my honourable friends had only in view the interests of the decree-holders who mainly belong to cities and towns. As you know in a majority of cases judgment-debtors belong to rural areas and it will suit their convenience more if their cases are taken up in distant parts near their residences. In these days of financial stringency they cannot afford to pay for railway and motor fares to go to headquarters from their homes. With these words I support clause 4.

Khan Bahadur Mian Mushtaq Ahmad Gurmani (Nominated, non-official): My honourable friend, the member for Industries was not correct in saying that the clause under discussion is based on the whims of the Unionist Party. As a matter of fact, the honourable mover of the Bill has translated into practice the decision of this Honourable House by including this clause in his Bill. On the 17th March, 1933, I brought a cut motion to urge upon the Government the necessity of amending the existing law in order that the execution of civil court decrees involving temporary alienation of agricultural land be transferred to collector. The cut motion was passed by this Council without a division. The existing system is most objectionable and very defective. I do not intend to repeat the arguments which I advanced on the previous occasion, in favour of the proposed change but I would like to quote a few examples which will illustrate the defects of the present system and the hardship and injustice that it entails on the land owning judgment-debtors. In one case in Muzaffargarh district a decree of Rs. 83 was passed against an agricultural judgment-debtor, Rs. 9 were added to it as costs. The decree holder applied to the civil court for the temporary alienation of the judgment-debtor's land in satisfaction of the decree. The civil court sent the file to the collector for assessment of the annual net income of the judgment-debtor's land and for advising the period of temporary alienation which would satisfy the decree. The collector assessed the annual income of judgment-debtors' land at Rs. 131 and suggested the temporary alienation of his land for one year. The decree-holder refused to take the land on lease and requested the civil court to auction the lease. The civil court ordered the auction of the lease and the decree-holder got permission to bid in the auction. The results of this auction were astounding. The land was leased to the decree-holder for twenty years, the maximum time permissible under the law instead of one year as suggested by the collector. This case needs no comment. I leave it to the honourable members to judge for themselves the desirability or otherwise of the present system.

The Honourable Doctor Sir Gokul Chand Narang: What were the names of the parties?

Khan Bahadur Mian Mushtaq Ahmad Gurmani: I regret I have not brought this information with me here but I can supply it to the Honourable Minister later if he so desires.

The Honourable Dr. Sir Gokul Chand Narang : What court was it, and what was the name of the Judge ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : Court of the Sub-Judge at Leiah. I consider it undesirable to mention the name of the judge though I remember it but I can assure the Honourable Minister that he would be disappointed to know the name. If he insists I can tell him this much that the sub-judge was a co-religionist of his and a non-agriculturist.

The Honourable Dr. Sir Gokul Chand Narang : What were the names of the parties ?

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I have already answered this question, but I can inform the Honourable Minister that the decree-holder was a non-agriculturist money-lender and the judgment-debtor was an agriculturist Muslim. I can, however, send all the detailed information along with the numbers of cases to the Honourable Minister if he is interested in the matter. Before I proceed further I make bold to say that I take full responsibility for the accuracy of my statements. In another case the amount of decree was Rs. 272, the collector assessed the annual income of the judgment-debtors' land at Rs. 41-6-6 per annum and recommended a temporary alienation for seven years but the lease was auctioned and the land was alienated for eighteen years. In another case the amount of the decree was Rs. 428, the collector suggested the judgment-debtor's land to be leased for three years assessing its income at Rs. 148 per annum but it was leased by the civil court for twelve years. I can give scores of such examples, but I do not wish to detain the House. I can, however, say without fear of contradiction that in 75 per cent. of cases the opinion of the collector is ignored by the civil courts. Sometime ago the High Court gave a ruling to the effect that the collectors were only acting, in this respect, as ministerial officers of the civil courts and that the civil courts were not bound to accept their advice in determining the period of temporary alienation in satisfaction of a decree. This ruling gave a latitude to the civil courts and their discretion has almost always been used in favour of the decree-holder. The civil courts have no means to assess the income of the land as has been pointed out by other speakers while the collector is in possession of all the revenue records and other material which is necessary for the purpose. His opinion is not arbitrary but is based on revenue records. The accuracy of the collector's assessment can only be challenged if the reliability of the revenue records is not believed. Such belief will no doubt shake the foundations of the entire revenue administration of the Government. It is desirable that the collector who is in a better position to assess the income of the land should be entrusted with the work of execution of decrees involving temporary alienation of land. It is wrong to say that the work of the collector would be increased by the proposed change ; it will as a matter of fact greatly reduce the duplication of work. The existing practice is that the civil courts send the files to the collector for assessing the period of temporary alienation, on receiving his opinion the decree-holder generally refuses to accept the collector's view and the civil courts send the file back to the collector for auctioning the lease. The decree-holder's mere refusal to accept the collector's proposal is considered a sufficient ground to reject it. The clause under discussion only aims at amending a wrong procedure which is open to grave abuse and serious mischief ; the proposed

change provides for even justice between the decree-holder and the judgment-debtor. A provision is made for appeals against the orders of the collectors to the commissioner. It is also provided that both these officers will act judicially in deciding these cases. My friends who are opposing this clause should have no misapprehension against these responsible officers.

Rai Bahadur Mr. Mukand Lal Puri : We have none.

Khan Bahadur Mian Mushtaq Ahmad Gurmani : I am glad to hear this and I hope you will withdraw your opposition to the clause. I support the motion before the House.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I think the effect of the provision has been misunderstood by Mr. Mukand Lal Puri. The position is this. Either the collector's opinion is generally accepted by the civil courts or it is generally not accepted by the civil courts. If it is generally accepted by the civil courts, then it means that, generally speaking, the opinion of the collector is sound and if generally speaking the opinion of the collector is found to be sound by civil courts, there is no reason why Mr. Mukand Lal Puri should feel anxious about the execution of decrees being transferred to collectors. If his experience is that the opinions of the collectors are generally rejected then, I think, there is every reason to transfer execution of decrees to the collector. And the reason is this. The collector knows much better what the yield of the land is. It will be more convenient for these decrees to be dealt with finally on the revenue side than on the civil side. It has been suggested that the work of collectors will increase very much. So far as statutory agriculturists are concerned, execution of decrees in respect of agricultural land is even now transferred to the collector, though it is transferred to him only as a ministerial officer of the civil court. The only difference which the present provision makes is that instead of acting in the capacity of a ministerial officer, the collector will be acting judicially. But because the provision is specifically restricted to the case of statutory agricultural tribes and does not extend to the case of those who are not statutory agriculturists there will be no increase so far as the number of cases is concerned.

We have to judge what amount of increase in work will ensue by the mere fact that the collector will be acting judicially instead of ministerially. My own impression is that the work will not increase very much because the collector will have before him the testimony of revenue records which probably the parties will not care to contradict in nine cases out of ten. Again, if there is increase of work on the revenue side there will be a corresponding decrease in the work of civil courts. And if it becomes necessary to strengthen the revenue staff it will become easier to make a curtailment in the cadre of civil courts. Therefore neither for fear of increase of expenditure nor for fear of increase of staff should we be deterred from the course suggested by this clause.

There is one more thing to which I may draw the attention of the House. There will be greater despatch of work than there is now. At present a reference is first made to the collector. He makes an enquiry through his subordinates and when he receives their reports he sends up the reports with his own opinion to the civil court. The civil court has to examine

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these reports and hear the parties about them over again. If the work is to be decided finally on the revenue side then the collector will be able to dispose of the case at once in his own court. This will expedite the course of justice which is a point greatly in favour of the present provision. Again responsibility, practically final responsibility being cast on the collector, he will do the work with greater attention and greater care than he does now. Now he thinks that he is acting only as a ministerial officer and therefore probably he does not pay the same attention to the proceedings in his office as he would if he were made to act judicially. The added sense of responsibility for the final decision will be before his mind's eye and the decisions will be more just, fairer, better-considered and more expeditious than they are now. With these words I support the clause as it stands.

Mr. President : The question is—

That clause 4 as amended stand part of the Bill.

The motion was carried.

Clause 5.

Mr. A. V. Askwith (Home Secretary) : The amendment I have to move is in the following terms :—

In clause 5 the words "to other land owned and possessed by" be omitted and in their place, the words "to the other resources of" be inserted.

I do not think that any long speech is necessary explaining or justifying this amendment. The simplest way of justifying it is to consider a simple and common type of case—the case of an agriculturist owning a very small holding, perhaps five acres only, who may be deriving a considerable income, perhaps of several hundreds of rupees a month, from another source. If the clause were to stand as in the original Bill, it would mean that this man's land would be entirely protected from alienation in execution of a decree. I suggest that there is no necessity for giving protection to a debtor of this kind, who is in possession of an adequate income from another source. I beg to move the amendment.

Mr. President : Clause under consideration amendment moved—

In clause 5 the words "to other land owned and possessed by" be omitted and in their place, the words "to the other resources of" be inserted.

The next amendment is *in pari materia* with this. So, it will be discussed with it, though it will be put to vote separately. It proposes that "in clause 5 the words 'to other land owned and possessed by' be omitted and in their place, the words 'to other sources of personal income of' be inserted."

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : The members of the Government benches are fully aware that the majority of landowners in this province are very petty landowners holding very small patches of land. And it is in the interests of those persons that the other resources are omitted or are not added. Anybody who is acquainted with the general condition of the agricultural classes in this province will agree with me that with the exception of a few big landholders, all the petty zamindars have no other resources. As the proverb says—

Kiya nangi nahaygi aur kiya nachoregi.

Generally if one wants to take a bath he has to have a cloth for covering himself or herself. After he or she has done the bathing, he or she squeezes the cloth. But if the person has got nothing, what will he cover himself with or squeeze? In order to bring home the truth of this statement that the ordinary zamindars have got no other resources I would like to read from a certain pamphlet because it expresses the condition of zamindars in this province in better words than I can express. This pamphlet is called "Social Order" and the issue is dated the 10th November 1935. It is printed and published by S. Ghulam Asghar at the City Press, Allahabad and the editor is Mr. B. S. Gilani. The writer of this article is Mr. C. P. K. Fazal, M.A. This is how the passage reads—

His poverty (speaking of the small zamindar) his illiteracy, his crass indifference to reform and progress, his inert acquiescence in his present lot, his age-long addiction to superstitious and pernicious customs—

Mr. President : The honourable member is not relevant to the amendment before the House.

Khan Bahadur Malik Zaman Mehdi Khan : I am giving the reason why I oppose the amendment. The reason I was giving was that there were no other resources.

Mr. President : We are not concerned with the question whether there are any other resources.

Khan Bahadur Malik Zaman Mehdi Khan : I am going to prove that there are no other resources. If there are none where is the good of having a clause like this? I shall now turn to the holdings owned by an average zamindar. What I refer to now is based on the Board of Economic Enquiry's report. The Board's enquiry is held in different villages of the Punjab and that board itself is a non-official body under the patronage of Government. The enquiry relates to farm accounts. These accounts deal with the expenses of the farmer so far as they relate to cultivation and are often worked out on scientific lines, for example account is taken of interest, depreciation on the implements and plough cattle. The accounts are kept for over six or seven years. The tables at the beginning of the report give five years' summaries of gross income, expenditure and net income.

Mr. President : What is the honourable member driving at?

Khan Bahadur Malik Zaman Mehdi Khan : At the conclusion that these zamindars have got very small holdings and they have got no other income at all.

Mr. President : The honourable member is not relevant.

Khan Bahadur Malik Zaman Mehdi Khan : I will not say anything at all then, as I am not allowed to develop my argument.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : I think the clause as it stands does require an amendment because otherwise it would work very hard and I think it would not be very just to retain it in the Bill. For instance, a zamindar is drawing Rs. 3,000 as his personal salary and he has got only 200 bighas of land and he owes Rs. 20,000 as debt. Then his debtor is left only to proceed against him to the extent of the income of his land and his salary would remain untouched. That is very unjust and I think it was far from the mind of the proposer of this Bill to enact such

[Sh. Abdul Ghani.]

an iniquity. So I would support the amendment in a way but my difficulty is that the wording of the amendment is not very happy "the other resources of the judgment debtor." This is ambiguous. If we were in a position to insert "personal" somewhere, I think that would be all right. Supposing a debtor has four sons and four of his sons are residing together and they make an income from different means, and it is not clear whether they are joint or separate, and supposing they are proceeded against for their father's debts. In that case it would be very hard on the father if all the income of the various sons were pooled together and all the four sons held responsible as owning so much income and it might work hard. The intention of the Government is quite clear. They want to bring in all the personal income of the man derived from any source. If that is the object and I think that should be the object, then it is for the learned proposer of the amendment to make it a bit clear by inserting the word "personal" so that the meaning might be quite clear to the courts.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I only want to lay before you another aspect of the question. The honourable member who has preceded me has taken one extreme case and I want to take the other extreme. I am not imagining the case of a man who is getting Rs. 200, or Rs. 500 or Rs. 3,000 or Rs. 5,000 a month and who does not depend in the real sense of the word on income from land. I do not say as my friend has stated that there is any necessity of making any provision in his case, but take the other extreme case. There are cases in which peasant proprietors or those who are dependent mostly on agricultural produce have their cattle. They use that cattle for ploughing and when they are not required for that purpose they are used for conveyance or cartage or some other purpose and they will be included in this case. It will be argued that this man's income is so much from the fare which he gets for carting goods of people from one place to another by means of his plough cattle. Then it will be argued that this man depends to some extent or mainly on the income from "other resources". The danger if we take into consideration these words is that they might not exclude even those incomes which are very negligible as the income from sale of butter or milk. My fear is that if we take this extreme view on the one hand as compared with the view taken in regard to those who are drawing fat salaries the amendment must be opposed. If somehow or other something might be done to make the provision that these hard cases will not come within the purview of this amendment, in that case I do not think I will have a very serious objection to this amendment.

As to the principle of the amendment I need not quote from the Land Administration Manual, paragraph 255, where this principle is already accepted and it is provided that some land should be reserved for the man when he is thrown out of his holding or when he is deprived of the possession of land. The wording there is "enough should be excluded" and the misfortune is that this word "enough" has not been defined so far. As to the principle I submit that this is admitted and if some provision is made for the extreme cases which I have pointed out, I do not think then I will oppose the amendment, but as it is I am afraid I must oppose it.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): A reference has been made to paragraph 255 of the Land Administration Manual as embodying the existing practice on the subject. I think it is necessary to place before the House precisely what that paragraph contains. That paragraph says :

Where the judgment-debtor is deprived of the cultivating occupancy of the transferred land enough should be excluded from the transfer to furnish at least a bare subsistence for himself and his family.

In all systems of law, debts take precedence over rights of maintenance of debtor and his family and even if there is an obligation to maintain a minor son or wife, that obligation is a personal one, but as far as the property of a debtor is concerned, payment of debts takes precedence over right of maintenance. This principle has equally been recognised by the Government in issuing their instructions to the revenue officer to keep sufficient land for maintenance, of their families "Where the judgment-debtor is deprived of the cultivating occupancy of the transferred land." The obligation of a person is to maintain his family by his personal exertions, and out of tenant's share of produce and not out of landlord's share of produce, and the direction to reserve some land is given in cases where tenant is also being deprived from earning his living as a tenant. No obligation to maintenance of family is recognised at present out of property, *i.e.*, out of landlord's share. In this respect, the policy of Government has been to assure to the actual cultivator of the soil, maintenance for himself and his family up till the next harvest and a creditor or even the government if it wishes to attach the standing crops, can only attach them, subject to sufficient being left for subsistence of cultivator and his family up till the next harvest. But with respect to the landlord's share the Government has not so far taken up the attitude that the entire landlord's share is not available either for the Government or for the creditor or that a maintenance has to be provided out of it. This is exactly what is stated in paragraph 255 of the Land Administration Manual. If the collector at any time is going to make a lease of land the effect of which is to deprive the judgment-debtor of the actual cultivating rights it is then only that a direction is given to make some provision for the maintenance of the judgment-debtor and his family. In the case of lease or temporary alienations which we are now considering, the important point to note is that it is always the capitalist's share, it is always the landlord's share which is being sold and not the tenants' share and out of that I submit there is absolutely no right of maintenance. The amendment proposed by the Government in this instance when it wants to substitute the word "resources of the judgment-debtor" in place of "other land owned by him," is I take it, calculated to bring the statute in harmony with present practice and to insist upon the collectors to take into consideration other income of judgment-debtors, derived from their labour, from the tenant's share and from all other sources. A debtor may be a retired military or other officer of Government in receipt of substantial pension, or may have received a substantial amount as provident fund. The House will agree that in considering any claim for subsistence, the collector should not and cannot possibly ignore possible income of judgment-debtor from such obvious sources. If a debtor referred to by the

[R. B. Mr. Mukand Lal Puri.]

previous speaker is making an income of say Rs. 100 or even fifty or thirty rupees per mensem by cartage and transport, that is a circumstance to be taken into consideration in determining what land if any, is to be left to him for the maintenance of himself and his family. Or if a man is making some income by following his ancestral occupation of cultivation, whether he is a man cultivating 15 acres of non-occupancy land or 20 acres of occupancy land—a thing which is usually done and can be ascertained by a reference to the land revenue records,—then that fact will be taken into account. So, I most respectfully submit that the object of Government in adding these words is really to bring as far as it can, the present legislation in line with the existing practice, at any rate, so I have understood the object of this amendment to be. The addition of the word 'personal' would create unnecessary complications in a matter which otherwise is simple. Resources or sources of income can be ascertained very easily. If you introduce an additional word 'personal' that will have to be interpreted. Is 'personal' to be confined only to the income which may be obtained by the exertions of the judgment-debtor or insolvent, or is it to include also the income of his dependents for whom subsistence is claimed. It would be monstrous if the clause is calculated as it appears to do, to exclude even the income of those dependents by labour or salary, for whom claim for maintenance is advanced by the judgment-debtor. Supposing the members of the family are earning more than what is necessary for their maintenance. Is the income of such members, to be excluded by the addition of the word 'personal'. This could not be the intention but this may be the possible effect of using these words. Therefore do not make confusion worse confounded by adding any such words. In my opinion the word 'personal' is unnecessary and uncalled for and should not be added.

Pir Akbar Ali (Ferozepore, Muhammadan, Rural) (*Urdu*): I oppose the amendment moved by Government and request the House to retain the words adopted by the select committee. The amendment under consideration is most indefinite and vague. The words "other sources of personal income" may include income by unfair means such as theft. It may also include income derived by cart driving or keeping camels to be used on hire. If this amendment is adopted the future generations will accuse us of having passed an indefinite provision. Ordinarily the civil courts favour the plaintiff. I do not say that these courts are prejudiced in favour of creditors but what I mean to say is that it would be very easy for the creditor to create doubt the benefit of which is usually given to him. If this amendment is accepted it would create hardships for the zamindar rather than give protection to him. I therefore submit that the amendment should be rejected in favour of the original words "other land owned and possessed by" in the Bill.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): If the amendment of Government now under consideration is carried, it will defeat the object of the Bill. As a matter of fact civil courts as they are now constituted, are favourably inclined towards the creditors. They take a very lenient view of the case put forward by the creditor. Under the present circumstances it is very easy for him

to adduce false evidence in order to prove that the debtor has got other sources of income as well, for instance he is grazing cattle or his sons are employed on lucrative posts or he is himself a cattle dealer. The creditor being a wealthy person will be in a position to prove one of these things. The other day I referred to one Nabia Gujar about whom it was proved in court that he also used to earn something out of cattle grazing and personal labour. Ninety-nine per cent. of the presiding judges of the civil courts and their staff belong to non-agriculturist classes of the province, and as such they help the sahkars a great deal. If this amendment is accepted, I am sure, it will defeat the real object of the Bill and not an inch of agricultural land in the province will be safe. Besides the zamindar is already very busy with his usual work and cannot afford to attend to any other subsidiary business. I therefore strongly oppose the amendment of the Government.

Mr. J. D. Anderson (Legal Remembrancer): I want to say only one or two words in connection with the amendments under consideration. I think there is general agreement in the House that an amendment of some kind is necessary. We have got two formulas before us, one is in that of the amendment proposed by Government, namely 'resources' and the other is 'personal income.' I think that the House in deciding which of these two formulas is the better or perhaps less undesirable should look at them from the point of view of the collector. The proceedings have now gone from the civil courts to the collector and the collector will, I think, be a man of commonsense with a good deal of sympathy towards the ordinary zamindar. Otherwise I do not see much point in making the change. As I see it the question is this, which formula is going to help the collector more. I admit that the word resource is a very wide term. The alternatives are either to use a very wide term which the collector will interpret in accordance with commonsense or to lay down a very long and elaborate formula which he will find it very difficult to interpret. If I may say so, my criticism of the words 'personal income' is that they fall between these two stools, these two alternatives. They are neither wide nor of sufficient detail really to be a guide for the collector. Speaking for myself I would much prefer as a collector to work with the word 'resources' rather than with the word 'personal income.'

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): The reason why I am opposed to the amendment moved by Government is that the civil law, as it stands is overwhelmingly pro-creditor. I do not know the reasons why the law has this character. But the fact is that the law, as it stands, does favour the creditor very definitely and very distinctly. I will just draw the attention of the House to a couple of very instructive instances in this connection. There is a provision in the Civil Procedure Code that any adjustments which take place between the judgment-debtor and the creditor outside the court must be certified within ninety days in the court itself. If this adjustment or payment out of court is not certified to the court within ninety days, then, if the decree-holder comes to the court and makes an application for execution in respect of the whole amount due under the decree without taking account of the amount paid outside the court, no plea of payment will be allowed. This provision is obviously unjust and unfair. After all

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any payments that might have been made by the judgment-debtor outside the court ought, whether certified or not, to be taken into account if the decree-holder comes with a fresh application for execution in respect of the whole amount due to him under the decree. If I remember correctly the purport of this provision is that the decree-holder shall certify such payments or adjustments within ninety days. The obligation is, thus, cast upon the decree-holder and yet, if the decree-holder fails to discharge this obligation and makes a fresh application for execution for the whole amount, the judgment-debtor suffers the penalty for this failure, that is, he cannot put forward the plea that he had already made certain payments outside the court. That is an instance which shows that the civil law as it stands is pro-creditor and anti-debtor. That mistake has now been rectified so far as the Punjab is concerned by the Punjab Relief of Indebtedness Act. I will take another instance. Suppose a decree-holder makes an application for execution. He takes out a warrant and attaches property which does not belong to the judgment-debtor but belongs to somebody else. Cattle and houses are frequently attached which do not belong to the judgment-debtor but to some relation or friend of the judgment-debtor. The object generally is to bring as much pressure to bear on the judgment-debtor as possible so that his friends and relations may be equally interested in seeing the decretal amount paid. Now obviously the burden of proof should be upon the decree-holder to show that the property which he asserts to be that of the judgment-debtor does really belong to the judgment-debtor. But what happens is that the burden of proof is placed upon the person who files objections to the attachment of the property. Justice and common sense demand that the burden of proof should be upon the decree-holder to show that the property out of which he seeks to realise the amount due to him belongs to the judgment-debtor. Yet, as the law stands, the third party has to prove that the property which has been attached belongs to him and not to the judgment-debtor. These two instances ought to convince the House that the civil law is overwhelmingly pro-creditor. I may be allowed to quote another instance which will show to what absurd lengths this partiality for the creditor is carried. I remember a case in which agricultural land was attached. The land actually stood in the name of the son; and yet the courts, instead of proceeding on the usual presumption that the land belongs to the person in whose name it stands in the revenue records, proceeded to attach the land and made it over in *mushtajri* to the decree-holder. I think this third instance ought to convince any fair-minded person that the civil law is glaringly partial to the creditor class.

Under the circumstances it is absolutely essential that the law should be made as clear, unambiguous, and unequivocal as possible. It is with this object that we are opposing the amendment. The amendment as it stands says that a certain amount of land may be reserved for the maintenance of the judgment-debtor and his family, but in doing so, regard shall be had to the "other resources" of the judgment-debtor. Now the expression "other resources" is very vague, indefinite and ambiguous. It may be interpreted by any court to mean almost anything. I want to know definitely what the position of Government is. Does the Govern-

ment intend that the law should be allowed to remain in a nebulous condition placing the courts as well as the parties in the grip of uncertainty with regard to the real object and meaning of the clause as it stands at present? What is the connotation of the word 'resources'? We earnestly request the Government to make it perfectly clear whether they want the decree to be executed only against the judgment-debtor or also against the members of his family? Unless the words 'personal income' are allowed to replace the words 'other resources' it will be open to the court to say that the judgment-debtor has four sons, two of whom are serving in the army and can support the father and, therefore, no portion of his land should be reserved for the maintenance of himself and his family. If the present wording is allowed to stand the court can say that the salaries drawn by the sons must be included in the resources of the judgment-debtor. Does the Government intend that any income which is not personal income of the judgment-debtor should also be taken into account as an item of the resources of the judgment-debtor? If so, then does it or does it not mean that the Government is helping the creditor to have his decree executed not only against the judgment-debtor but also against his friends and relations? That is the crucial point and I earnestly request the Government to make the position quite clear to us. Does the Government want to help the creditor to an extent which will make a personal decree executable against friends and relations also of the judgment-debtor? We on our part want to make it quite clear that the resources which are not personal to the judgment-debtor will not in this indirect manner, be made available for the satisfaction of a decree, and that land, necessary for the maintenance of the judgment-debtor and those of the members of his family dependent on him, will be reserved out of the total holding owned by him without taking such resources into account. Of course it is open to the Government to make the provision read as they propose to do under this amendment. But that amendment will necessarily and inevitably lead to ambiguity and wherever an ambiguity exists the court can interpret it in any way it likes. (*Interruption*). It does not matter whether it is courts or collectors. After all collectors also are human beings. The civil law being overwhelmingly pro-creditor the collectors may be inclined to interpret it in favour of the creditor and not the judgment-debtor. Let us hear what the Government has to say on this subject. Does the Government want the decree to be a personal liability of the judgment-debtor alone or does the Government want the decree to become a liability payable by every member who belongs to the family of the judgment-debtor, whether son, brother, nephew or wife?

Rai Bahadur Mr. Mukand Lal Puri : When it is stated "other resources of the judgment debtor," what does it mean?

Rao Bahadur Chaudhri Chhotu Ram : Why do you not make it clear? I want to place the law beyond all ambiguity. If "other resources" means only personal income, then why do you not adopt our amendment? But if you want to include under this expression anything over and above personal income, then please say it in so many words. Let us not play with words. The implication of the Government's amendment, as I have already submitted, may be either personal sources of income alone or even sources which are not personal to the judgment-debtor. As a matter of fact, Mr. Mukand

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Lal Puri definitely stated in his speech that if a man had two sons serving as constables there was no reason why the income from salary drawn by those two sons should not be taken into account.

The Honourable Mr. D. J. Boyd : May I say, Sir—of course I am not concerned to defend Mr. Mukand Lal Puri, but I am concerned to explain why I do not make an unnecessary speech. As I heard and understood Mr. Puri, he said that if a man had two sons earning something for themselves it would be unnecessary for the collector to exempt a portion of land in their interest.

Rao Bahadur Chaudhri Chhotu Ram : I can understand if Mr. Mukand Lal Puri only says that so far as those two sons are concerned, it cannot be urged and it should not be urged that the responsibility for their maintenance also is upon the father. That I can understand. But if the income of these two sons is to be taken into account when judging the extent or amount of the resources open to the judgment-debtor then I have a right to say that that income should be excluded, and Government ought to help in making the law clear and unambiguous in this behalf. If the Government does not make it clear, then difficulties of interpretation are bound to arise, and, as I have already submitted, according to the ordinary law of nature the weaker has to go to the wall, and the interpretation will, almost invariably, be in favour of the creditor and against the debtor.

I will also say a few words with regard to certain remarks made by Mr. Mukand Lal Puri. If I remember correctly what he said was that the maintenance of the judgment-debtor and his family cannot be allowed to take precedence of debts. I may draw the attention of Mr. Mukand Lal Puri as also of other members of the House that even in respect of the arrears of land revenue the maintenance of the defaulter and his family is to be provided for before the property belonging to the defaulter is attached. (*Interruption*) I may be allowed to read out, in this connection, the relevant portion of section 70 of the Land Revenue Act. It deals with the recovery of arrears of land revenue.

The distress and sale shall be conducted as nearly as may be in accordance with the law for the time being in force for the attachment and sale of moveable property under the decree of revenue court constituted under the Punjab Tenancy Act, 1887 ;

Provided that in addition to the particulars exempted by that law from liability to sale so much of the produce of the land of the defaulter as the collector thinks necessary for seed grain and for the subsistence until the harvest next following of the defaulter and his family and of any cattle exempted by that law shall be exempted from sale under this section.

Are we to attach greater sanctity to a debt than to an arrear of land revenue? Even when the question of the recovery of an arrear of land revenue comes up for consideration before the revenue officers they have to exempt sufficient amount of agricultural produce for the maintenance of the defaulter, his family and even his cattle. Under the present amendment which is to be moved by one of the members of my party we do not seek to secure anything more than the maintenance of the judgment-debtor himself and his family. We have excluded any provision for the cattle which are necessary for the pursuit of his ordinary profession, that is, which are necessary for the purposes of cultivation. Therefore, I beg to submit that if,

even in the proceedings for the recovery of an arrear of land revenue, sufficient provision for the maintenance of the judgment-debtor and his family has to be made, there is no reason why a similar provision should not be made when we are dealing with an ordinary debt due under an ordinary decree. I may also draw the attention of the members of the House to Standing Order 64 of the Financial Commissioner. That standing order definitely lays down that when land has to be alienated temporarily in execution of a decree sufficient amount of land should be reserved for the maintenance of the judgment-debtor and his family. Even the form prescribed by the High Court has a column requiring the officer who makes an estimate of the income from land to state whether there are other means of income open to the judgment-debtor. It is in pursuance of this wish of the High Court indicated in this column that we propose to move an amendment that the presence or absence of other means of personal income available to the judgment-debtor for his own maintenance and the maintenance of those who are dependent on him, may be taken into account when deciding the question of reserving or not reserving any portion of the judgment-debtor's holding which is to be farmed out in execution of a decree. Mr. Mukand Lal Puri also urged that if a man owned only five acres in proprietary right and was also in possession of a larger area of an occupancy holding and a still larger area of a non-occupancy holding, there was no reason why the land comprised in the occupancy holding and the land comprised in his non-occupancy holding should not be taken into account. Here is a lawyer who must have put in over 20 years of practice. He suggests seriously on the floor of this House that even the land comprised in a non-occupancy holding should be taken into account. A man's occupancy holding can reasonably be taken into account while deciding the amount of land to be reserved from temporary alienation, but the land which he cultivates only on the sufferance of another owner and from which he can be ejected at any time should certainly not be taken into account. He may have 50 bighas this year; he may have not even an inch of that land for cultivation next year. So I beg to submit that if eminent lawyers of the standing of Mr. Mukand Lal Puri can make a mistake of that sort, why not collectors, why not inexperienced subordinate judges? Mr. Puri's mistake furnishes me with another argument which I can address to official benches with a request that they should not leave the law in a nebulous condition. Let the law be made definite and clear on this point, so that the officers who have to administer it may not feel any difficulty about the right interpretation of that law.

One argument that was put forward by Mr. Anderson was that now
 5 P.M. that the execution of civil decrees in respect of temporary alienation of land is going to be transferred to the revenue side, there is no reason to think that the collector will not be sympathetic towards the cultivating classes. He was of the opinion that the collector is very likely to be considerably sympathetic towards the cultivators. I will not suggest that the collector will be either pro-creditor or pro-cultivator, but, as I suggested just now, when lawyers of considerable experience can betray themselves into an error of the type into which Mr. Mukand Lal Puri betrayed himself, collectors may be expected to be more liable to make mistakes. They are not infallible. While the remedy

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is still in the hands of the legislature of making the law clear and definite, why should it leave it in a condition in which officers may find it difficult to interpret it correctly?

Under these circumstances I must oppose the amendment which has been moved on behalf of Government. I will certainly and strongly support the amendment which stands in the name of Pir Akbar Ali. The members of my party are definitely opposed to going beyond the sources of income which are personal to the judgment debtor (*cheers*).

Mr. President : Question is—

That in clause 3, the words "to other land owned and possessed by" be omitted.

The Council divided.

(*After votes were taken, there arose a doubt as to how Chaudhri Nathwa Singh voted*),

Mr. President : May I ask the honourable member Chaudhri Nathwa Singh, whether he voted for Ayes or Noes?

Chaudhri Nathwa Singh : Government *ke sath diya*.

Mr. President : Then the honourable member voted for the Ayes. The result of the division is as follows :—Ayes, 38, Noes, 37.

AYES.

Abdul Aziz, Khan Bahadur Mian.	Labh Singh, Mr.
Anderson, Mr. J. D.	Lekhwati Jain, Shrimati.
Askwith, Mr. A. V.	Mamraj Singh Chohan, Kanwar.
Bhagat Ram, Lala.	Mayadas, Mr. E.
Bourne, Mr. F. C.	Mohindar Singh, Sardar.
Boyd, The Honourable Mr. D. J.	Mukand Lal Puri, Rai Bahadur Mr.
Bradford, Mr. W. G.	Mukerji, Rai Bahadur Mr. P.
Chetan Anand, Lala.	Muzaffar Khan, The Honourable
Dobson, Mr. B. H.	Nawab.
Fazl Ilahi, Khan Sahib Shaikh.	Narendra Nath, Diwan Bahadur
Firoz Khan Noon, The Honourable	Raja.
Malik Sir.	Nathwa Singh, Chaudhri.
Gokul Chand Narang, The Honourable	Nihal Chand Aggarwal, Lala.
Dr. Sir.	Puckle, Mr. F. H.
Gopal Das, Rai Sahib Lala.	Pandit, Mr. Nanak Chand.
Grindal, Mr. A. D.	Parkinson, Mr. J. E.
Janmeja Singh, Captain Sardar	Rahman, Khan Bahadur Dr. K. A.
Bahadur Sardar.	Ramji Das, Lala.
Jaswant Singh, Guru.	Sewak Ram, Rai Bahadur Lala.
Jyoti Prasad, Lala.	Shave, Dr. (Mrs.) M. C.
Kesar Singh, Rai Sahib Chaudhri.	Stubbs, Mr. S. G.
Labh Chand Mehra, Rai Sahib Lala.	

NOES.

Abdul Ghani, Shaikh.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Afzal Haq, Chaudhri.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Akbar Ali, Pir.	Muhammad Sadiq, Shaikh.
Arjan Singh, Sardar.	Muhammad Sarfraz Ali Khan, Raja.
Asadullah Khan, Chaudhri.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Buta Singh, Sardar Bahadur Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Chhotu Ram, Rao Bahadur Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Faqir Husain Khan, Chaudhri.	Nur Khan, Khan Sahib Risaldar Bahadur.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nurullah, Mian.
Habib Ullah, Khan Bahadur Sardar.	Pancham Chand, Thakur.
Haibat Khan Daha, Khan.	Ram Sarup, Chaudhri.
Jawahar Singh Dhillon, Sardar.	Riasat Ali, Khan Sahib Chaudhri.
Malak, Mr. Muhammad Din.	Roberts, Professor W.
Mazhar Ali Azhar, Maulvi.	Sampuran Singh, Sardar.
Mubarak Ali Shah, Sayad.	Shah Nawaz Khan, Nawab Khan.
Muhammad Abdul Rahman Khan, Chaudhri.	Umar Hayat, Chaudhri.
Muhammad Amin Khan, Khan Bahadur Malik.	Zaman Mehdi Khan, Khan Bahadur, Malik.
Muhammad Eusooif, Khwaja.	

Mr. President : The question is—

That in place of the words now omitted, the words "to the other resources of" be inserted.

Council divided : Ayes 37 : Noes 38.

AYES.

Abdul Aziz Khan, Bahadur Mian.	Gokul Chand Narang, The Honourable Dr. Sir.
Anderson, Mr. J. D.	Gopal Das, Rai Sahib Lala.
Askwith, Mr. A. V.	Grindal, Mr. A. D.
Bhagat Ram, Lala.	Jaswant Singh, Guru.
Bourne, Mr. F. C.	Jogendra Singh, The Honourable Sardar Sir.
Boyd, The Honourable Mr. D. J.	Jyoti Prasad, Lala.
Bradford, Mr. W. G.	Kesar Singh, Rai Sahib Chaudhri.
Chetan Anand, Lala.	Labh Chand Mehra, Rai Sahib Lala.
Dobson, Mr. B. H.	Labh Singh, Mr.
Fazl Ilahi, Khan Sahib Shaikh.	Lekhwati Jain, Shrimati.
Firoz Khan Noon, The Honourable Malik Sir.	

Mamraj Singh, Chohan, Kanwar.
 Mayadas, Mr. E.
 Mukand Lal Puri, Rai Bahadur
 Mr.
 Mukerji, Rai Bahadur Mr. P.
 Muzaffar Khan, The Honourable
 Nawab.
 Narendra Nath, Diwan Bahadur
 Raja.
 Nathwa Singh, Chaudhri.

Nihal Chand Aggarwal, Lala.
 Puckle, Mr. F. H.
 Pandit, Mr. Nanak Chand.
 Parkinson, Mr. J. E.
 Rahman, Khan Bahadur Dr. K. A.
 Ramji Das, Lala.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Stubbs, Mr. S. G.

NOES.

Abdul Ghani, Shaikh.
 Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan
 Bahadur Mian.
 Akbar Ali, Pir.
 Arjan Singh, Sardar.
 Asadullah Khan Chaudhri.
 Bishan Singh, Sardar.
 Buta Singh, Sardar Bahadur Sardar.
 Chhotu Ram, Rao Bahadur Chau-
 dhri.
 Faqir Husain Khan, Chaudhri.
 Fazl Ali, Khan Bahadur Nawab
 Chaudhri.
 Habib Ullah, Khan Bahadur Sar-
 dar.
 Haibat Khan Daha, Khan.
 Jawahar Singh Dhillon, Sardar.
 Malak, Mr. Muhammad Din.
 Mazhar Ali Azhar, Maulvi.
 Mubarak Ali Shah, Sayad.
 Muhammad Abdul Rahman Khan,
 Chaudhri.
 Muhammad Amin Khan, Khan
 Bahadur Malik.
 Muhammad Eusooof, Khwaja.

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.
 Mushtaq Ahmad Gurmani, Khan
 Bahadur Mian.
 Muzaffar Khan, Khan Bahadur Cap-
 tain Malik.
 Noor Ahmad Khan, Khan Sahib
 Mian.
 Nur Khan, Khan Sahib Risaldar
 Bahadur.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Sarup, Chaudhri.
 Riasat Ali, Khan Sahib Chaudhri.
 Roberts, Professor W.
 Sampuran Singh, Sardar.
 Shah Nawaz Khan, Nawab Khan.
 Umar Hayat, Chaudhri.
 Zaman Mehdi Khan, Khan Baha-
 dur, Malik.

Pir Akbar Ali : Sir, I beg to move—

That for the words omitted the words " to the other sources of personal income of" be inserted.

Mr. President : The question is—

That for the words omitted the words " to the other sources of personal income of" be inserted.

The Council divided : Ayes 37 ; Noes 38.

AYES.

Abdul Ghani, Shaikh.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Afzal Haq, Chaudhri.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Akbar Ali, Pir.	Muhammad Sadiq, Shaikh.
Allah Dad Khan, Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Asadullah Khan Chaudhri.	Mustaq Ahmad Gurmani, Khan Bahadur Mian.
Buta Singh, Sardar Bahadur Sardar.	Muzaffar Khan, Khan Bahadur Captain Malik.
Chhotu Ram, Rao Bahadur Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Faqir Husain Khan, Chaudhri.	Nur Khan, Khan Sahib Risaldar Bahadur.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nurullah, Mian.
Habib Ullah, Khan Bahadur Sardar.	Pancham Chand, Thakur.
Haibat Khan Daha, Khan.	Ram Sarup, Chaudhri.
Jawahar Singh Dhillon, Sardar.	Riasat Ali, Khan Sahib Chaudhri.
Malak, Mr. Muhammad Din.	Roberts, Professor W.
Mazhar Ali Azhar, Maulvi.	Sampuran Singh, Sardar.
Mubarak Ali Shah, Sayad.	Shah Nawaz Khan, Nawab Khan.
Muhammad Abdul Rahman Khan, Chaudhri.	Umar Hayat, Chaudhri.
Muhammad Amin Khan, Khan Bahadur Malik.	Zaman Mehdi Khan, Khan Bahadur, Malik.
Muhammad Eusooif, Khwaja.	

NOES.

Abdul Aziz, Khan Bahadur Mian.	Kesar Singh, Rai Sahib Chaudhri.
Anderson, Mr. J. D.	Labh Chand Mehra, Rai Sahib Lala.
Askwith, Mr. A. V.	Labh Singh, Mr.
Bhagat Ram, Lala.	Lekhwati Jain, Shrimati.
Bourne, Mr. F. C.	Mamraj Singh Chohan, Kanwar.
Boyd, The Honourable Mr. D. J.	Mayadas, Mr. E.
Bradford, Mr. W. G.	Mukand Lal Puri, Rai Bahadur Mr.
Chetan Anand, Lala.	Mukerji, Rai Bahadur Mr. P.
Dobson, Mr. B. H.	Muzaffar Khan, The Honourable Nawab.
Fazl Iahi, Khan Sahib Shaikh.	Narendra Nath, Diwan Bahadur Raja.
Firoz Khan Noon, The Honourable Malik Sir.	Nathwa Singh, Chaudhri.
Gokul Chand Narang, The Honourable Dr. Sir.	Nihal Chand Aggarwal, Lala.
Gopal Das, Rai Sahib Lala.	Puckle, Mr. F. H.
Grindal, Mr. A. D.	Pandit, Mr. Nanak Chand.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Parkinson, Mr. J. E.
Jaswant Singh, Guru.	Rahman, Khan Bahadur Dr. K. A.
Jogendra Singh, The Honourable Sardar Sir.	Ramji Das, Lala.
Jyoti Prasad, Lala.	Sewak Ram, Rai Bahadur Lala.
	Shave, Dr. (Mrs.) M. C.
	Stubbs, Mr. S. J.

The Council then adjourned till 2 P. M. on Tuesday, 26th November 1935.

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PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Tuesday, 26th November, 1935.

The Council met at the Council Chamber at 2 P. M. of the clock. Mr. President in the chair.

STARRED QUESTION AND ANSWER.

ROYALTY FROM PATHANKOT BAJRI AND STONE COMPANY.

*5179. **Khwaja Muhammad Eusooif** : Will the Honourable Revenue Member be pleased to state—

- (a) whether the Punjab Government enforced with effect from 1st February, 1934, the Punjab Minor Minerals Rules under notification No. 4845-R., dated the 23rd December, 1933 ;
- (b) whether it is a fact that the said rules were extended to the whole of the Punjab and under these rules the Government levied royalty on all minerals such as stone, *bajri*, sand, *kankar*, etc. ;
- (c) whether it is a fact that no royalty under the said rules is being realized from the Pathankot Bajri and Stone Company ;
- (d) whether Government is aware that the said company has sold about 20 lakh cubic feet of *bajri* and stone-metal last year ;
- (e) the reason for such a big concern like the said company having escaped the imposition of royalty ;
- (f) whether it is a fact that there are small quarries at Sarna and Jakolari railway stations near Pathankot and the Government is realizing royalty from them under the said rules ;
- (g) what Government proposes to do in the matter ?

The Honourable Nawab Muzaffar Khan : I regret that the answer to this question is not yet ready.

THE PUNJAB DEBTORS' PROTECTION BILL.

Clause 5.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I beg to move—

That in place of clause 5 as it stands at present the following shall be substituted :—

"Such portion of the judgment-debtor's land shall be exempted from temporary alienation as in the opinion of the Collector, having regard to the judgment-debtor's income from all sources, except such as is dependent on the will of another person, is sufficient to provide for the maintenance of the judgment-debtor and the members of his family who are dependent on him."

As the members of the House will be able to recollect the exact form in which the clause stands at present is practically meaningless and therefore

[R. B. Chhotu Ram.]

everybody was naturally anxious as to what should be done. I am glad to say that Government has been able to come to an agreement on a fresh clause being substituted for the clause as it stands at present. The wording may not be ideally perfect; it may not even be strictly legal phraseology. Still under the circumstances what could have been done has been done. We have been able to make certain concessions to secure the agreement of Government and Government has kindly made certain concessions to meet our views and feelings in the matter. The changes that the present amendment proposes to make are mainly two. One is that instead of making an allowance for the maintenance of the judgment-debtor and his family, the clause as now worded purports to say that provision should be made for the maintenance of the judgment-debtor and those members of his family who are actually dependent on him. Now everybody will admit that this is perfectly reasonable. The courts or the collector cannot be expected to reserve land even for the maintenance of those who are in receipt of independent income sufficient to maintain them. On the other hand Government has kindly consented to the proposal that instead of "resources" which was indefinite and vague we should have the words "sources of income not dependent on the will of another person." That will meet the objection which we had to the wording suggested in the Government amendment. If the judgment-debtor's sons or brothers or nephews or cousins are in service then as the income from the salaries of those persons will not be taken into account when making a reservation of land for the maintenance of the judgment-debtor and his dependents, I think we ought to feel satisfied about it. The brother or nephew or son may be in receipt of a salary of Rs. 400 or Rs. 500 a month, but it is entirely dependent on his will whether he would or would not make any allowance for his father. He may retain the whole of his salary to himself or he may give something out of his salary to his father who is the judgment-debtor; but as such doles as may come from the son or nephew or brother will be dependent upon the sweet will of these relations, those doles will not be taken into account when making a reservation for the maintenance of the judgment-debtor and his family. I have ventured on behalf of the zamindar members of the House to agree to this amendment. I hope they will kindly agree to this amendment being substituted for the clause as it stands at present.

Mr. President: Clause under consideration, amendment moved—

That in place of clause 5 as it stands at present the following shall be substituted:—

"Such portion of the judgment debtor's land shall be exempted from temporary alienation as in the opinion of the Collector, having regard to the judgement-debtor's income from all sources, except such as is dependent on the will of another person, is sufficient to provide for the maintenance of the judgment-debtor and the members of his family who are dependent on him."

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): One of the chief considerations urged by the Government and which Rao Bahadur Chaudhri Chhotu Ram also conceded as correct, was that the income of the judgment-debtor and of those persons for whom subsistence was being claimed should be taken into consideration, while deciding the question of maintenance. All income which a person derives from service is dependent upon the will of the employer. If the employer chooses to continue to employ a servant, he continues to get the salary. Thus the income of a

-employee from salary is dependent upon the will of another, that is, his employer. Thus the income which a person gets, as a chaprasi, a bearer, a khansama or a driver of a bullock cart or a driver of a motor car—it is well-known that a large number of the members of the statutory agricultural tribes are motor car drivers—is dependent upon the will of his employer, although capacity to earn that income is always there. Would the collector, for instance, be able to take into consideration in determining his subsistence the amount which such a judgment-debtor is getting from his private employer be he an individual or a company? I am sure that this is not the intention of the mover. He does not wish to exclude any personal income which a person is able to earn by his labour and yet the addition of the words “not dependent upon the will of another” seems to lend itself to that interpretation. This, I submit is the danger in thrusting amendments before the House of which no notice has been given and which are proposed in this careless fashion. I put it to my learned friend, would not his amendment exclude the collector from taking into consideration the salary which a member of an agricultural tribe is deriving as a servant of another individual, that income of his being entirely dependent—as is the income from all private service—upon the will of the employer? That certainly is not the intention of the Government, if the Government may be presumed to be sticking still to the intentions expressed yesterday, nor I am sure, is it the intention of Rao Bahadur Chaudhri Chhotu Ram to exclude the salary from private service of the judgment-debtor himself which, of course, would appear not to be excluded if this amendment were accepted.

Diwan Bahadur Raja Narendra Nath (Punjab landholders, General) : In the first place, as has been pointed out, I object to such an important amendment as this being thrust upon us with such a short notice. Secondly, I draw the attention of the House to the fact that the amendment as worded does not carry out the intention of the honourable mover as he announced it in his speech. Now, as the amendment stands, “except such as are dependent upon the will of another person,” indeed a wording like that will always encourage collusion between the judgment-debtor and his near relation. Supposing the judgment-debtor is a land owner, owning a small area of land and has a son who is an extra assistant commissioner. The natural course in the ordinary circumstances is that the court ought to presume that the son is able to support the father, but in collusion with him he alleges that the son does not give him a pie out of his income of 3 to 4 hundreds. That is the thing which this amendment encourages. I have the experience of some persons who are very avaricious and greedy and who come to me for monetary help, while I know that their sons hold high appointments. I ask them, why do you not seek the help of your son or brother who is drawing 3 to 4 hundred rupees a month? I therefore strongly oppose this amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadan, Urban) : It is a pity that an astute lawyer of the standing of Rai Bahadur Mr. Mukand Lal Puri should come forward with an objection of this sort on the floor of this House and seriously urge it. He says that the object is to exclude service pay because it depends upon the will of another person. Nothing could be more removed from the truth. A man is entitled to his salary as a matter of right. Who can hold it back? Does it depend on the sweet

[Sh. Abdul Ghani.]

will of the employer to pay him or not? Why are the civil courts there? You are simply confusing the thing. The fact is that the employer's volition has nothing to do, a man can be sued for the salary and a claim can be made against him in a court and a decree can be obtained. I am sorry that a palpable thing of this sort is not understood. (*Interruption*).

Mr. President : A member is not to be interrupted in his speech. If a question is to be asked it should be asked through the chair.

Shaikh Abdul Ghani : What I was submitting was that it is an absolute fallacy to state that a man's wages which are due are dependent on the will of the employer therefore that should be excluded. I do not think that a collector would be led away by such absurd theories of law. Another point urged by the party opposite was, supposing a man has a son who is working as an extra assistant commissioner and the father has not got a very great source of income. The son can shelter the father because his income is not to be included. That is the object of the motion and that is why we are moving it. We want that such income of the debtor should be excluded and only the personal income of the debtor should be set apart for the creditor. If the object of honourable members on that side of the House is that incomes of the members of families should be included even if only one of them is indebted, they are labouring under a very grave misapprehension.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I do not think I need repeat the arguments already advanced on the floor of this House, but there is one point to which reference has been made by Rai Bahadur Mr. Mukand Lal Puri and which has not been replied to. He has laid a good deal of stress on the fact that amendments are thrust upon them without due notice. To this my reply is that it is their own fault. They have brought us to this position, otherwise there would have been no necessity of moving amendments with such short notice. Certain words were omitted on account of voting and when the question of replacing those words came, we could not carry any motion because of the voting of these gentlemen. The Government brought forward an amendment which failed and so did the amendment of Pir Akbar Ali. That is the reason why we have to move such amendments at such a short notice. They should be indebted to the mover of the Bill that he has filled up the gap and avoided an unnecessary and unnatural position by proposing an alternative clause for the present clause 5 which was rendered meaningless yesterday. As to the other point which the honourable member stated as to the pay of a private employee being taken into account, my answer is this : why should we take into consideration the pay of that person who cannot draw his pay whenever he likes, who can be out of service any moment? With these words I support the amendment.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I sympathise with the honourable mover Rao Bahadur Chaudhri Chhotu Ram and his supporters on their efforts to meet the difficult position which has been created. Unfortunately ideas have not been properly translated into language. The wording of the amendment is capable of many interpretations. These words which have been used "except such as is

dependent on the will of another person" do not convey the full meaning of the mover. The rule of the law which we must remember is this that the speeches of the councillors and the framers of the law are not taken into consideration by the judges. They have to take the law as it stands. Now one interpretation which seems to be placed on this proposition is this that dependent means dependent voluntarily and involuntarily both. That is undoubtedly a real difficulty. You cannot possibly say that if I employ a person and he draws a salary that person is not dependent on my will as to whether he should be retained or not. The contention that has been put forward on the other side is that as a matter of right he would be entitled to the payment of Rs. 800, his salary, and therefore this consideration should not be taken into account. This interpretation will land the court into a very great difficulty as to how to interpret the words dependent on the will of another person. The words of an enactment should be such that they should not be capable of double meaning. They should be absolutely clear and these words are not clear. Therefore whatever is in the mind of Chaudhri Chhotu Ram should be made clear and whatever is in the mind of Government should also be made clear. There is no dispute with regard to the willingness of this side of the House to do what is intended to be done. What I am saying is this that this clause is undoubtedly of such double significance that every day the courts of law would be landed into difficulties and the object which the mover of the Bill and the Government has got in view is bound to fail on account of this double interpretation. We find that whenever a question of this kind, execution of decree, comes up, everybody will try to be dependent on the person against whom a decree is executed, grandfather, father, grand-uncles and all sorts of people would be brought in. How is the court going to investigate into this question of persons who are dependent upon him? How are these words going to be explained and interpreted by courts of law? The real thing is that confusion has been made worse confounded and instead of clarity and lucidity which ought to be one of the merits of a legislative enactment there has been introduced such phrases about which people will always be fighting. I would therefore respectfully ask the Legal Rememberancer and Rao Bahadur Chaudhri Chhotu Ram, if they were sitting together and framing these clauses, that they would redraft it in such a way that the meaning is properly expressed.

Rao Bahadur Chaudhri Chhotu Ram : It has been contended by Mr. Mukand Lal Puri and Pandit Nanak Chand that the wording is not clear and it does not exactly convey the idea which was in my mind or in the mind of my colleagues. I think the language is quite clear and that is exactly the reason why it pinches the members on the opposite benches. They are always for ambiguities and uncertainties, so that all sorts of interpretations of the law may be open to them. I submit that the thing is absolutely clear now. Only those members of the family would be provided for by the reservation of land as are dependent upon the judgment-debtor. If the honourable members prefer the word family, they may have it. I personally think that the single word family is more vague and indefinite than the words "those members of his family who are dependent upon the judgment-debtor." The word family has been used in a statute of the legislature. I quoted the relevant section of that statute in this House. If the word

[R. B. Ch. Chhotu Ram.]

family can be properly and accurately interpreted by courts or collectors, I see no reason why courts or collectors should fail to interpret correctly the words "those members of the family who are dependent on a judgment-debtor." The second important phrase is "the sources of income not dependent on the will of another person". This expression is said to be vague and indefinite. I think Mr. Puri suggested that the salary of a person, say, a motor car driver, may be dependent on the will of an employer. That is wrong. A motor car driver is in receipt of his salary for services rendered. The salary here is a matter of an agreement or a matter of contract, verbal or written; it is certainly not a matter which depends on the sweet will of the employer. The employer may be able to dispense with his services, but so long as he is in service, there is no question of a mere will in the matter of payment. If a person is not actually in service, then the question of his emoluments being taken into account in making allowance for the reservation of land does not arise. If there is anybody in the family who is actually employed and is in receipt of a salary, his salary will be taken into account to decide whether that member can be said to be dependent on the judgment-debtor or not. Of course, what we really wish to avoid is the fact to which expression was given by Raja Narendra Nath. He said that the judgment-debtor's son may be an extra assistant commissioner in receipt of 6 or 7 hundred rupees a month as his salary. Why in that case, he contended, should any land be reserved for the judgment-debtor?" That is exactly what we want to avoid. The decree is against one particular individual and not against the whole family. The decree may be against A who may have a dozen or half a dozen members in his family. That decree should be executable only against A, and not against anybody else in the family. If the salaries of the members of the judgment-debtor's family are to be taken into account in deciding whether any land should or should not be reserved, then it is making that decree executable against everybody belonging to the family. That is the trouble which we wish to avoid. The language of the present amendment avoids that. Therefore it is acceptable to us, and it should also be acceptable to anybody who has a fair mind to bring to bear upon it.

Mr. President : As objection has been taken to the amending clause being moved without sufficient notice, I propose to put it to the House whether it should be allowed or not. I shall treat it as a new clause. The question is—

That this clause proposed to be substituted for clause 5 be taken into consideration.

The motion was carried.

Mr. President : The question is—

For clause 5, the following shall be substituted :—

- "5. Such portion of the judgment-debtor's land shall be exempted from temporary alienation as in the opinion of the Collector, having regard to the judgment-debtor's income from all sources, except such as is dependent on the will of another person, is sufficient to provide for the maintenance of the judgment-debtor and the members of his family who are dependent on him.

The motion was carried.

Clause 6.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): I move—

At the end of clause 6, after the words "shall be final", the following sentence be added:—

"The Commissioner when hearing appeals under this section shall be deemed to be acting judicially."

This is a necessary corollary of the judicial character of the collector when dealing with questions of temporary alienation of agricultural land. Having invested the collector with a judicial character we cannot withhold that character from the commissioner. If the collector is to act judicially in the disposal of cases in which temporary alienation of land is concerned, there is no reason why the commissioner should not act in the same capacity when dealing with appeals which come before him for disposal. I do not think this is an amendment which will be opposed by anybody in the House.

Mr. President: Clause under consideration, amendment moved—

At the end of clause 6, after the words "shall be final," the following sentence be added:—

"The Commissioner when hearing appeals under this section shall be deemed to be acting judicially."

Mr. Nanak Chand Pandit: I have an amendment to clause 6. May I move it?

Mr. President: No. The honourable member's amendment may be discussed along with this amendment, but it will be voted upon separately.

Mr. Nanak Chand Pandit: I want to move my amendment and speak on it.

Mr. President: The honourable member may discuss his amendment without moving it. When several amendments raise different aspects of the same question, all of them may be discussed on one of them being moved. When the remaining amendments are called they will not be discussed, but voted upon, if desired.

Mr. Nanak Chand Pandit: Very well. I would like to say this that the word "judicially" is not very clear. In order to make its meaning clear some such words as these should be added, namely, "shall act in accordance with the provisions of the law applicable to the court from which the proceedings were transferred to him." It is not I think the object of the clause that there should be no right of audience, nor that there should be no right given to the parties concerned to appear and be heard in a judicial manner, lead evidence if necessary as is done before a sub-judge. The words I have suggested are taken from section 141 of the Land Revenue Act and they explain the word "judicially" in very clear language. No doubt remains that the collector shall be acting in the same manner as a sub-judge would have acted had the case remained with him. All that is sought by the Government and by the supporters of the Bill is that the rights enjoyed by the party before the sub-judge should be transferred to the collector and that the rights should not be curtailed in any way. That, I take it, is the object of putting in the word "judicially." The words I would like to be substituted would make the whole thing clear and would

[Mr. Nanak Chand Pandit.]

go nowhere beyond that. This is a penal provision of law and there should be no doubt as to its meaning. I trust that the honourable member Rao Bahadur Chaudhri Chhotu Ram will accept these words instead of the words in his amendment.

Shaikh Abdul Ghani (West Punjab Towns, Muhammadans, Urban) : I rise to oppose the amendment and my reason is one of expediency. You can very well imagine what volume of work you would be throwing on the collector who is already overworked being entrusted with multifarious duties. In an ordinary civil court if a matter of this sort were to arise, the issues would be struck and a date would be fixed, a *kacohi* date as they call it, the parties would put in their list of witnesses, summons would issue and the whole procedure in the ordinary civil court would have to be gone into before the commissioner, according to the amendment which has been moved. It is not at all convenient for a collector, who is overworked, to be engaged in doing things that are done in a civil court proper. The object of the honourable mover of the Bill, I imagine, was that the whole procedure should be expedited. You would be putting a clog on the proceedings in the collector's court by saying in so many words that he should follow the procedure laid down in the Civil Procedure Code. We all know that that procedure is very technical and very dilatory. My submission is that the clause as originally proposed to the effect that everything should be judicial is quite sufficient. We should leave it to the discretion of the collector as to what particular procedure so far as justice requires he wants to adopt in a particular case. We should not tie his hands and force him to adopt the technical procedure which gives right of appeal and appeal from interlocutory order and all that, with all its hindrances, all its encumbrances and all its dilatoriness.

Mr. President : The question is—

That the following words be added at the end of clause 6 :—

'The Commissioner when hearing appeals under this section shall be deemed to be acting judicially.'

The Council divided : Ayes Nil, Noes 24.

AYES—Nil.

NOES.

Abdul Aziz, Khan Bahadur Mian.	Jogendra Singh, The Honourable
Anderson, Mr. J. D.	Sardar Sir.
Askwith, Mr. A. V.	Kesar Singh, Rai Sahib Chaudhri.
Bourne, Mr. F. C.	Labh Chand Mehra, Rai Sahib Lala.
Boyd, The Honourable Mr. D. J.	Mohindar Singh, Sardar.
Bradford, Mr. W. G.	Muzaffar Khan, The Honourable
Dobson, Mr. B. H.	Nawab.
Fazi Iahi, Khan Sahib Shaikh.	Narendra Nath, Diwan Bahadur
Firoz Khan Noon, The Honourable	Raja.
Malik Sir.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honour-	Pandit, Mr. Nanak Chand.
able Dr. Sir.	Parkinson, Mr. J. E.
Grindal, Mr. A. D.	Rahman, Khan Bahadur Dr. K. A.
Jaswant Singh, Gura.	Shave, Dr. (Mrs.) M. G.
	Stubbs, Mr. S. G.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) :
I beg to move—

That for clause 6, the following be substituted :—

'The Collector when acting under sections 4 and 5 shall be deemed to be acting judicially and shall act in accordance with the provisions of law applicable to the court from which the proceedings were transferred to him and any party aggrieved by an order under section 4 or 5 shall have a right of appeal to the Commissioner who when hearing appeals under this section shall be deemed to be acting judicially and shall act in accordance with the provisions of law applicable to a civil court of appeal.'

Mr. President : I propose first to put the question whether clause 6, as it stands, be omitted. If that question is carried then I will put the question that the new clause should take its place.

Mr. Nanak Chand Pandit : Sir, I would suggest that the amendment be put first.

Mr. President : But the Parliamentary practice is otherwise.

The Honourable Mr. D. J. Boyd : If we observe the Parliamentary practice, we run a grave risk of having the original clause omitted and the other not passed.

Mr. President : I have no objection to follow the procedure suggested by the Leader of the House, if the whole House agrees.

(*This being agreed to.*)

Mr. President : The question is—

That for clause 6, the following be substituted :—

'The Collector when acting under sections 4 and 5 shall be deemed to be acting judicially and shall act in accordance with the provisions of law applicable to the court from which the proceedings were transferred to him and any party aggrieved by an order under section 4 or 5 shall have a right of appeal to the Commissioner who when hearing appeals under this section shall be deemed to be acting judicially and shall act in accordance with the provisions of law applicable to a civil court of appeal.'

(*The motion was carried.*)

Clauses 7 and 8.

Mr. President : The question is—

3 P.M.

That clauses 7 and 8 stand part of the Bill.

The motion was carried.

Clause 9.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I beg to move—

That in clause 9 for the words "anything to the contrary contained in any other enactment for the time being in force," the words "any custom to the contrary" be substituted.

The object of this amendment is to secure that the custom which had been in force in this province for generations should be allowed to stand as it was. During the last few years erroneous interpretations have been placed upon custom with the result that ancestral land which used to be immune from

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attachment in the execution of a decree passed against a previous holder became liable to be attached. A special custom was set up by the decree-holder, that special custom was held to have been proved and the courts naturally allowed ancestral property also to be attached in the execution of decree for the payment of debts incurred by the previous holder of that property. My object is that the old custom should be allowed to govern these cases. Ancestral property has been immune from attachment for a very long time. The growth of special custom is of recent origin, and is the result of an erroneous interpretation of custom. The judgment-debtor, generally speaking, is a poor man. He is unable to engage a capable lawyer who will be a match for the lawyer engaged by the decree-holder. The decree-holder can incur any amount of expenditure in order to gain his point. He can produce a number of witnesses to support the special custom set up by him. He can also obtain copies from here and there which will seem to support his claim. Therefore the courts which are bound to decide cases on the material on the file give a finding that a special custom has been proved. No special custom really exists. But the poverty and ignorance of the judgment-debtor results in a special custom being proved to the satisfaction of the courts. We know as a matter of fact that with regard to ancestral property custom was one and universal throughout the province. Ancestral property is not supposed to be inherited by the son from the father. A very eminent judge and jurist, Sir Meredyth Plowden, expounded the theory which we all know as the agnatic theory. After an exhaustive examination of the custom which prevailed in the various tracts of the province he came to the conclusion that agricultural tribes in this province are strict followers of the agnatic theory, one characteristic of which is that ancestral property is regarded as not being inherited by the son from the father but from the common ancestor. One main incident of ancestral property was that the holder for the time being was not regarded as an absolute owner. His position was midway between the position of a widow and the position of an absolute owner. There were definite and well recognized restrictions on his power of disposal of property. He could not have alienated ancestral land which happened to be held by him for the time being except for valid necessity. This restriction on the power of the holder's disposal of ancestral property was incidental to and a direct result of the agnatic theory. The special custom which is sometimes pleaded in courts and found by them in favour of the decree-holder goes right against the grain of the agnatic theory. Therefore if a man belongs to a tribe which is usually governed by custom in matters of succession it must be conceded that any ancestral property which is to pass to his heirs shall be immune from attachment in the execution of a decree passed for the debts incurred by him in his personal capacity. Unless the debts incurred by a person are specifically charged upon the ancestral property they cannot be realized from that property. If any creditor wants to realize the amount of money lent by him to another person from the property of that person, then he should take precaution to charge that amount upon the property from which he wants to realize the money. If he fails to take that precaution then he cannot later on be allowed to seek the alienation of the property held by his debtor. If a person who owns property is not free to dispose of that property as he

likes during his lifetime, it will be unfair and unjust to allow that property to be alienated after his death for the debt which he incurred during his lifetime. Therefore my amendment ought to appeal to every member of this House as a reasonable amendment. It does not seek to do anything which was not already being done in this province. What I seek to secure by means of this amendment is to bring the practice of courts in the future into line with the undoubted custom of the province. These devices of setting up special customs are really attempts to whittle down the custom as it has existed for generations. It will be only fair and equitable that members of agricultural tribes or of other tribes which are governed in matters of succession by custom should be secured in the rights which they have enjoyed so far.

I may in this connection, draw the attention of the House to 4 Punjab Record of 1913. It is a Full Bench ruling of the Chief Court in which it has been distinctly and unambiguously recognized that ancestral property in the hands of a reversioner or next holder is not liable to attachment in the execution of a decree for debt incurred by the previous holder. With your permission I will just read the heading of that ruling—

“Held that where a male proprietor, governed by customary rules, has contracted a just debt and dies leaving ancestral landed property, such property is not liable in the hands of the next holder in respect of such debt, unless the debt had been expressly charged on the property.

“Held consequently, that a person who has obtained a simple money decree for such a debt against the debtor himself or his representatives, has no right to execute it against the ancestral land, once in the debtor's possession, which has passed into the hands of the next holder under customary law.”

The words used in this ruling leave no room for doubt that debts not specifically charged upon ancestral property cannot be recovered by the attachment of that property when that property has once passed into the hands of the next holder. It is immaterial whether the debts were actually due from the original borrower. It is entirely immaterial whether those debts were just debts and were incurred for necessity. All that is needed to exempt ancestral property from attachment is that those debts should not have been specifically charged upon that property. So long as the lender fails to take the precaution of having the amount lent by him charged upon the property, he cannot be allowed to recover those debts from the alienation of that property if it is ancestral. If the property from which a decree-holder seeks to recover the amount due under a decree is not ancestral, then that property will be liable to attachment and temporary alienation in the case of a statutory agriculturist and liable to permanent alienation in the case of a man who is an agriculturist but does not belong to a statutory agricultural tribe. Such being the case, I hope the House will consider the amendment which I have moved as a perfectly reasonable one and will extend its support to it.

Mr. President : Question is—

That in clause 9, for the words “anything to the contrary contained in any other enactment for the time being in force” the words “any custom to the contrary” be substituted.

The Council divided : Ayes 43, Noes 36.

AYES.

Abdul Ghani, Shaikh.	Muhammad Amin Khan, Khan Bahadur Malik.
Afzal Haq Chaudhri.	Muhammad Eusoof, Khwaja.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Akbar Ali, Pir.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Allah Dad Khan, Chaudhri.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Asadullah Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Buta Singh, Sardar Bahadur Sardar.	Muhammad Sarfraz Ali Khan, Raja.
Chhotu Ram, Rao Bahadur Chaudhri.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Faqir Husain Khan, Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Fazl Ali, Khan Bahadur Nawab Chaudhri.	Nathwa Singh, Chaudhri.
Ghani, Mr. M. A.	Noor Ahmad Khan, Khan Sahib Mian.
Habib Ullah, Khan Bahadur Sardar.	Nur Khan, Khan Sahib Risaldar Bahadur.
Haibat Khan Daha, Khan.	Nurullah, Mian.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Pancham Chand, Thakur.
Jaswant Singh, Gurn.	Ram Sarup, Chaudhri.
Jawahar Singh Dhillon, Sardar.	Riasat Ali, Khan Sahib Chaudhri.
Malak, Mr. Muhammad Din.	Roberts, Professor W.
Mamraj Singh Chohan, Kanwar.	Shah Nawaz Khan, Nawab Khan.
Mangal Singh Man, Sardar.	Umar Hayat, Chaudhri.
Mazhar Ali Azhar, Maulvi.	Zaman Mehdi Khan, Khan Bahadur, Malik.
Mohindar Singh, Sardar.	
Mubarak Ali Shah, Sayad.	
Muhammad Abdul Rahman Khan, Chaudhri.	

NOES.

Abdul Aziz, Khan Bahadur Mian.	Jogendra Singh, The Honourable Sardar Sir.
Anderson, Mr. J. D.	Jyoti Prasad, Lala.
Askwith, Mr. A. V.	Kesar Singh, Rai Sahib Chaudhri.
Bansi Lal, Chaudhri.	Labh Chand, Mehra, Rai Sahib Lala.
Bhagat Ram, Lala.	Labh Singh, Mr.
Bourne, Mr. F. C.	Lekhwati Jain, Shrimati.
Boyd, The Honourable Mr. D. J.	Manohar Lal, Mr.
Bradford, Mr. W. G.	Mayadas, Mr. E.
Chetan Anand, Lala.	Mukand Lal Puri, Rai Bahadur Mr.
Dobson, Mr. B. H.	Mukerji, Rai Bahadur Mr. P.
Fazl Ilahi, Khan Sahib Shaikh.	Muzaffar Khan, The Honourable Nawab.
Firoz Khan Noon, The Honourable Malik Sir.	Narendra Nath, Diwan Bahadur Raja.
Gokul Chand Narang, The Honourable Dr. Sir.	Nihal Chand Aggarwal, Lala.
Gopal Das, Rai Sahib Lala.	
Grindal, Mr. A. D.	

Puckle, Mr. F. H.
 Pandit, Mr. Nanak Chand.
 Parkinson, Mr. J. E.
 Rahman, Khan Bahadur Dr. K. A.

Ramji Das, Lala.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Stubbs, Mr. S. G.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, Non-Muhammadan, Rural) : I move—

That in clause 9, line 7, between the words "attachment" and "in" the words "or sale" be inserted.

No speech is necessary.

Mr. President : Clause under consideration, amendment moved—

That in clause 9, line 7, between the words "attachment" and "in" the words "or sale" be inserted.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : The object of this amendment appears to be to make utterly ridiculous, what originally is on the face of it absurd and when I use that language I mean it, and in this respect, I am only reiterating the opinion of those who are much abler than myself and who can claim much greater experience. What is the object of Rao Bahadur Chhotu Ram's amendment? The addition of the word "sale" appears to be designed or at any rate to have the effect of wiping out after his death all the mortgages of ancestral land which a member of an agricultural tribe may have effected during his lifetime. Punjab Record 4 of 1913, which is no longer the law and which is wrongly assumed by the mover and his friends to embody even the rule of customary law, on this point, as it has been superseded by a fuller bench ruling Punjab Record 17 of 1919, does not apply to mortgaged property. Punjab Record 4 of 1919 lays down clearly that the land of a person governed by customary law is not liable to attachment in the hands of the next holder if it has not been charged or mortgaged by him during his lifetime. So that, if the last holder has himself created a charge on it, that is not affected, or touched even according to Punjab Record 4 of 1913. The addition of the words "or sale," unless intended to apply to mortgages, is ridiculous and redundant, because sale must be preceded by attachment. The object of adding the words "or sale" could only be to include cases for which attachment is not necessary and where a decree-holder may proceed to sell without attachment, for example, in case of mortgage decrees.

The Honourable Mr. D. J. Boyd : May I put a question to the speaker through you, Sir? Can a mortgage not be attached?

Rai Bahadur Mr. Mukand Lal Puri : If there is a mortgage decree it is not necessary to attach the property over again, because in a mortgage decree the court orders the sale of the property and a fresh attachment is not necessary. But in the case of simple money decree where there is no mortgage, property has first to be attached and then brought up for sale. Therefore the object of this amendment, if there is any intelligible object at all, can only be to include within its purview the mortgage transactions.

Pir Akbar Ali : No, absolutely not.

Rai Bahadur Mr. Mukand Lal Puri : Even without these words, the mortgage transactions were not excluded, but the addition of these words could only be intended to emphasise that mortgages were also not

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exempt. Otherwise the addition of these words; is, I repeat, meaningless and redundant.

Rao Bahadur Chaudhri Chhotu Ram : One word by way of reply. The object and the language of the clause are quite clear. What is intended is to prevent the attachment and sale of ancestral property in the execution of a decree for a debt incurred by a previous holder. A simple money-decree is the only object which is intended to be covered by this language and nothing more.

The Honourable Mr. D. J. Boyd : May I ask the honourable member a question ? I am really seeking light. Might I ask, what is the use of adding the words " or sale " ?

Rao Bahadur Chaudhri Chhotu Ram : Because in certain cases sale proceedings may be adopted without attaching the land in question.

Rai Bahadur Mr. Mukand Lal Puri : How can it happen ?

Shaikh Abdul Ghani : What is there to prevent a court proceeding all at once against the property and putting it up to auction ? Is there anything in the Civil Procedure Code to debar this ? Any court might have resort to it. The result would be that there would be a very serious flaw in the clause as it now stands and it is very necessary that these words " or sale " be added.

Mr. President : The question asked was whether the honourable members who are supporting the amendment can point out any law under which a sale can take place without attachment proceedings. If there is any law, the honourable member may point out.

Mr. Labh Singh : Provisions of the Civil Procedure Code also apply to the revenue courts.

Mr. President : Very well, I will put the amendment to the vote of the House. The question is—

" That in clause 9, line 7, between the words " attachment " and " in " the words, " or sale " be inserted."

The motion was lost.

Shaikh Abdul Ghani : May I now point out the provisions of the law ? At least the House should know that the amendment proposed by the leader of my party was not frivolous.

" By attachment and sale or by sale without attachment of any property."

That is the way of proceeding against the property. This is section 61 of the Civil Procedure Code. They all laughed and made me the laughing stock when I said that this could be done. This is a serious mistake made in misapprehension of the law.

Mr. President : Question is—

That clause 9 as amended stand part of the Bill.

The Honourable Mr. D. J. Boyd (Finance Member) : I ought to explain the attitude of the Government with regard to this clause. Government would have been prepared to consider a clause which had the effect of

preventing parties from pleading a special custom contrary to the general customary law on the subject provided that it did this and no more and provided that creditors who had lent money on the basis of the existing customary law as laid down by the courts were given reasonable opportunities to recover their money before this new law came into force. But to achieve this object is very difficult. What is proposed in the original Bill would require further examination of the customary law and would require consultation with the Honourable Judges of the High Court. For this purpose we have not had time, we tried actually to bring into shape an amendment to this clause which would achieve the object of the mover. Up till now we have failed to do so although very considerable work has been put into the attempt. If there had been more time, Government would have been prepared to consider any reasonable amendment of this clause put forward by the honourable mover. As things are, we must oppose this.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : The clause as it stands amended by this Council exempts ancestral property in the hands of the Punjabis from the payment of the debts of the person from whom they got that property. The first point to note is that as enacted it is not confined to persons following customary law. It extends to every one. It extends to Hindus and Sikhs who follow Hindu law, Muhammadans who follow Muhammadan law, Christians, Budhists, Jews, Europeans and Anglo-Indians who are governed by Indian Succession Act or their personal laws. Secondly, it is not confined to "land" only. It extends to property of all kinds, whether it is movable or immovable, whether amongst movables it consists of mares, horses and bullocks, motor cars or money, jewellery, furniture or utensils and amongst immovables whether it consists of houses or land or vacant sites or factories including both proprietary and mortgagee rights. It extends to everything. Therefore this section is as far removed from Punjab Record 4 of 1913, as the two poles. The clause as it stands now, after having been thoroughly considered in the select committee with the ability and intelligence available to the majority of the select committee and after having been improved in the Council, by the talented majority led by Rao Bahadur Chaudhri Chhotu Ram has attained the present form, in which to describe it by any other word than 'absurd,' would not be doing justice to it. Would it be possible for any person in the Punjab, after this is enacted to carry on any lending or borrowing, when the payment is made contingent upon the continuance of the life of the borrower? Again, this disability is being created with retrospective effect, and all credits given, amounting in some cases to lakhs and even millions are jeopardised, because if they happen to die, the debt can not be recovered from their property in the hands of their sons. Again, this clause is no respecter of persons or institutions. Neither banks nor companies are excluded and some of the big joint stock banks may at once bid good-bye to a large portion of their debts, if this clause is enforced. This is what the Council has enacted. Let us, however, understand what Punjab Record 4 of 1913 is. Punjab Record 4 of 1913 is, as I have said, confined to land only and does not at all apply to property of any other kind. Now, if the word "property" were substituted in place of "land" in the rule enunciated in Punjab Record 4 of 1913, as has been done in this clause, would you believe that my property, my house at Lahore would be exempt from attachment for debts?

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It may surprise my honourable and learned friends, who call us urban-minded, who call us people engaged in money-lending transactions, that people sitting on these benches have perhaps more connection with land and its cultivation and rural areas than some of those who claim to be their protagonists. My family members have been owners of land, owners, I do not wish to guess, of far larger areas of land which is no doubt true but owners for much longer time also extending over centuries than most of those who now claim to be the real agriculturists. And it would surprise Rao Bahadur Chaudhri Chhotu Ram if he were told that in the matter of inheritance I am governed by custom and so are the other members of my caste governed by custom because we form a village community. In fact at the present day our caste people are owners of the whole village, holding land on ancestral shares and everyone else who resides in that village is a non-proprietor or a *kamin*. The effect of substitution of the word "property" for "land" would be to exempt my house at Lahore from liability to discharge my debts after my death, even if the section had been confined, as it is not, to persons governed by customary law. I do not wish to be dishonest. No one should be permitted to enact laws for me or with respect to my property which are based on such rank dishonesty. Apart from this, who would care to lend me money, if my property, the entire property which I own, is thus exempted from liability for payment of my debts? Would not my credit be reduced to zero? I do not wish that Chaudhri Chhotu Ram should drag me down to his level. A statutory agriculturist may choose, under the misguided advice of his so-called friends, to reduce his credit to a vanishing point and to be content to be a hewer of wood and drawer of water. The trader and the industrialist has no such desire. This certainly was not contemplated by those who laid the rule in Punjab Record 4 of 1913 and certainly it does not appear to be the intention of the Government. Again, the present section does not exempt ancestral property even if the borrower has mortgaged it, or created a charge upon it himself. Punjab Record 4 of 1913 distinctly lays down that if the owner has created a charge upon it that charge will not be obliterated by his death. The clause as framed, however, does not exempt even mortgagee rights. Therefore the present clause even if it were confined to persons following customary law only, extends beyond measure the effect of Punjab Record 4 of 1913. Let us, however, consider if there are any sound reasons which are impelling this Council or for the matter of that the Government to make the rule laid down in Punjab Record 4 of 1913 of universal application, with respect to persons who are governed by custom. What are the grounds which have induced the Government to legislate on a matter which is entirely a matter governed by rules of custom in this province. Have they made enquiries which lead them to think that the rule laid down in Punjab Record 4 of 1913 is the correct rule and should be applied to the whole of Punjab, irrespective of tribe or locality? If there is one thing certain about custom, it is that it varies from tribe to tribe and from locality to locality. Have any judges, or settlement officers individually or collectively expressed such an opinion? Have any representations been made to Government based on the evidence of *ritaj-i'am* or *wajib-ul-arzes* or other documents recording custom, or has any material in any form come to the knowledge of the Government that there was such a general and universal rule of custom.

in the Punjab and that rule of custom was in consonance with Punjab Record 4 of 1913? Or is it simply because it favours the debtors, that it should be resuscitated and enforced? The rules of custom in this province are not to be found in any statute and are not of universal or general application, but as I have already said, custom varies from tribe to tribe, from district to district, even from tahsil to tahsil, and even in the same tahsil, different tribes follow different customs. In Punjab Record 4 of 1913, three judges laid down the rule enunciated above. Within five years the rule laid down in Punjab Record 4 of 1913 was restated. It was, if I may say so, abrogated by a Full Bench of the High Court consisting of five judges and that judgment is reported as Punjab Record No. 17 of 1919 F. B. The Bench was specially constituted to consider whether the rule in Punjab Record 4 of 1913 was a rule of universal application or whether it was like other customary rules confined to the tribe and locality and dependent upon the ascertainment of the local custom which is the only correct method of determining what the custom in a particular locality is. And the judges who gave that opinion are some of the most eminent judges who have adorned the High Court Bench. They were :—The Honourable Sir Henry Rattigan, Kt., Chief Justice,—he was the Chief Justice in those days—the Honourable Mr. Justice Chevis, the Honourable Mr. Justice Scott-Smith, the Honourable Mr. Justice leRoussignol and the Honourable Mr. Justice Broadway. And they laid down in 1919 that the decision given in 1913 was correct but they pointed out that in that very judgment the learned judges had distinctly laid down that it did not prevent a party from showing that a different custom existed in any particular tribe or locality. Two separate judgments were written, one by the Honourable Mr. Justice Chevis with which three other judges concurred and another by the Honourable Mr. Justice leRoussignol who while he agreed with the other judges, wrote a separate judgment to the effect that Punjab Record 4 of 1913 could not be based on any universal custom and that such an unjust rule, opposed to laws of all civilised countries could never be the custom of the Punjab, as the Punjab custom is usually just, and that rule in Punjab Record 4 of 1913 had been enunciated deductively without any enquiry into real custom, but as it had been in force for a few years, on the principle of *stare decisis*, he would not like to vary it, although he was of opinion that if an enquiry into custom were made, the rule discovered would be that contrary to the one enunciated in Punjab Record 4 of 1913. He did not choose to give a different answer to that given by his other four colleagues, whose main judgment was written by the Honourable Mr. Justice Chevis. He observed :—

“The nature of the holding of a male proprietor governed by custom has often been discussed, and I do not think it necessary to enter into a fresh discussion. For the reasons already given in 4 Punjab Records 1913, I would hold that the decision given in that judgment is a correct exposition of the general rule. But it is always open to a litigant to plead special custom, and I would hold that the above ruling does not cover and (as the concluding paragraph of Punjab Record 4 of 1913 shows) does not purport to cover cases in which the creditor can prove that by special custom the person in possession of ancestral property which it is sought to attach is the legal representative of the deceased debtor and that the property is deemed to be the property of the said debtor.”

Thus these five English judges—I do not wish to read from the judgment of the Honourable Mr. Justice leRoussignol who thought that the Punjab Record 4 of 1913 which was contrary to the rule of law prevalent in any

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civilised community in the world could not be the custom of this province, but agreed with the other judges in thinking that since this rule had continued to exist for five years it should be allowed to exist—but all the judges held that it had always been and should be open to a party to prove that this custom did not exist in a particular community or locality. This judgment was pronounced as long ago as 1919 even before the Morley Minto reforms. For sixteen years the rule of custom which has held the field, which has been recognized as the law of the land is not Punjab Record 4 of 1913 but the judgment in Punjab Record 17 of 1919 F. B. given unanimously by five of the most illustrious judges who adorned the High Court Bench. How can you, under the pretence of putting on the Statute Book an existing rule or practice, attempt to enforce Punjab Record 4 of 1913 and ignore Punjab Record 17 of 1919? Who has told the Punjab Government that Punjab Record 17 of 1919 is wrong? Nobody has ever suggested or can suggest that it is in any way unjust, unfair, or inequitable. Therefore the argument that so far as this section tries to enact the rule laid down in Punjab Record 4 of 1913 it is only an attempt to codify an existing rule, is entirely wrong inasmuch as the existing practice is that embodied in Punjab Record 17 of 1919, which is different from the rule of Punjab Record 4 of 1913. Therefore the existing practice is against making this rule universal or even extending its scope. Again it is well known that in no other system of law is an heir entitled to get the assets of a person unless he undertakes the liability to pay his debts. Under Hindu Law it is the pious obligation of a son to pay his father's and grandfather's debts. That pious obligation is confined to the assets which he receives from his father. It is well known that according to Hindu Law a Hindu son who takes the assets, and does not pay the debts is doomed to perdition. What is the Muslim law? The Muslim law, as every lawyer, nay even, a lay member of the House conversant with *shara*, would bear me out is exactly the same, that is, on the death of a Muslim, only one thing takes precedence over his debts, that is, expenses which may be incurred for his funeral. After that come the debts, and after debts have been satisfied come the legacies and then come the heirs. I need not quote references from Mulla's Muhammadan Law or Wilson or Amir Ali's treatise on Muslim law. They are all here for any one to see. In fact it is a textbook proposition which is known to every student of Muslim Law. Thus under both Hindu and Muhammadan law no one is allowed to take the assets of a person unless he takes the liability for debts, and that is the English law as well, and that is, if I may quote the words of the Honourable Mr. Justice leRossignol in Punjab Record 17 of 1919, "the law of all the countries in the civilised world." The question therefore arises, is the custom of this province different? I repeat that there is no general customary law of this province and no one can deny, that custom varies from district to district and from tribe to tribe. If among some tribes daughters are preferred to collaterals with respect to self-acquired property in others collaterals of a certain degree take preference. And the determination of the custom depends upon the entry in the *riwaj-i-am*.

Pir Akbar Ali : On a point of order. Is the honourable member in order in discussing succession to self-acquired property when we are considering succession to ancestral property?

Rai Bahadur Mr. Mukand Lal Puri: It is a point of disorder and not a point of order. I was merely giving a simple illustration which must be familiar to all honourable members and which, I thought, even my learned friend, the Pir Sahib, would understand. Let me give a simpler illustration. Does he not know that with respect to ancestral property also custom among the Arains for instance, differs from the custom among the Jats or Rajputs, the custom which exists among the Jats of Gujranwala district may be and is different from the custom which prevails among the Jats of Amritsar and other districts?

Pir Akbar Ali: Again, Sir, is the honourable member, who is in possession of the House, in order in referring to a point of order raised by another honourable member as a point of disorder? Does it lie within his rights to say so?

Rai Bahadur Mr. Mukand Lal Puri: I take the fullest responsibility for pointing out that obvious fact. I wish to point out that if the Government are desirous of carrying out any general reform with respect to custom, to find out and to enact some universal rules of custom, they ought to take up the subject of codification of entire custom in all seriousness, because on almost every point governed by the rule of custom, the custom varies. The codification of custom may or may not be necessary or desirable, but a naked attempt, to evade payment of just debts should not be disguised as an attempt to codify an existing practice or a rule of custom. Hindus and Muslims in this province are governed by their personal laws, unless they are shown to be governed by some custom. If no custom is found to exist, they are governed by their personal law which, both in the case of Hindu and Muhammadan law, insists upon the heir paying the debts of the deceased out of his assets. Custom, which in some respects closely follows personal law, recognizes the same rule in some districts and tribes. Take for instance the agricultural tribes of Kangra district. The *Riwaj-i-am* of the Hindus who are governed by customary law in that district lays down that no one can take the assets of his father unless he pays his debts. It is definitely so recorded in their *Riwaj-i-am*, which is a code of tribal custom of the district. Cases have arisen amongst the Hindus of agricultural tribes of the Kangra district following customary law as to whether in the matter of payment of debts they are governed by the rule laid down by Punjab Record 4 of 1913, and the judges, after enquiry, have come to the conclusion that they are not. In 1934 Lahore 707 (All India Reporter), the Honourable Mr. Justice Abdul Rashid held that "according to the *Riwaj-i-am* of the Kangra district sons are bound to discharge the debts of their father even though it may involve attachment or sale of ancestral property". It is important to note that at the time of the last settlement, when the *Riwaj-i-Am* was being revised, these people were told by the settlement officer of the existence of the rule laid down in Punjab Record 4 of 1913, and they were asked whether they would like to be governed by their old custom or by Punjab Record 4 of 1913, and they asserted that a son is entitled to the assets of the father only if he undertakes the responsibility for the payment of his liabilities. The Honourable Judge of the High Court has particularly

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noted this fact in his judgment. With respect to these honest people, what right has Chaudhri Chhotu Ram to say that in future these people shall be dishonest; or that their custom is different from the custom recorded in their *Riwaj-i-Am*, that their custom is different from the custom which governs them now or that their custom is different from what it is judicially ascertained to be, or that it is different from the rule of Hindus—a faith which they profess? But unfortunately for this province, in a particular tahsil of the Rohtak district to which the mover of the Bill belongs, I mean the Sonapat tahsil, a similar adjudication in the matter of custom has been made and it has been held that sons take assets subject to payment of liabilities, but since in that part of the country the payment of debts is no longer considered honourable under the new philosophy preached by Chaudhri Chhotu Ram, an attempt is being here made to remove this liability from his kinsmen of Rohtak district. But it is not only in the tahsil of Sonapat, it is not only in the Kangra district, but in Jhang, Jullundur, and Gurdaspur, similar customs have been judicially ascertained to exist; and I ask what reason or justification is there for the Government or for Chaudhri Chhotu Ram to say that these people are not governed by the custom which is in consonance with their personal law, and which is in consonance with equity and justice, and which enquiry has shown to prevail amongst them?

Let me put before you another point of view. I think it will particularly appeal to my friend Nawab Muhammad Hayat Qureshi. In this Council Muslims have several times asserted that Muslims should be governed by Muslim law and have gone to the length of stating that the Muslims custom should be abrogated by Muslim law. I remember the pious enthusiasm of my friend Pir Akbar Ali on this point and of others also in several debates. That was the issue, you will remember, Sir, at the discussion which took place on the Kalra Impartible Estate Bill. I heard dissertations from Pir Akbar Ali and others who said that they were opposed to it because it created a kind of estate which was repugnant to the principles of Islam and that they did not want any extension of the principle of custom. Here is a custom judicially ascertained among the Sayads of Jhang district that debts take precedence of rights of heir, a custom found by courts to exist and which is also in consonance with Islamic law. Do the Muslim members wish that a rule should be enunciated by this Council with respect to the Sayads of Jhang, the descendants of prophet, a rule different from the rule which has been found to exist amongst them from of old and which is different from the rule which applies to all Muslims? I am not merely at this stage talking of the extension of this rule to persons who are governed by Muslim law, but I am confining my remarks to the persons who are governed ordinarily by customary law. A person who is ordinarily governed by customary law in certain matters may and does follow Muhammadan law in certain other respects. Ordinarily personal law is superseded by custom in certain matters only, and in other respects personal law is followed. I say this rule of Muhammadan law regarding debts is not abrogated by custom amongst the Sayads of Jhang district, and with respect to them the courts have found that they follow the more just, more fair and more equitable and sensible rule of Muslim law. With a view to evade payment of debts, Chaudhri Chhotu Ram, behind the back of the true Muslims

of the Jhang district, wants to legislate for them that in the matter of their debts this rule of the Muslims which is also recognised by their custom will be abrogated because some person from Rohtak wants it. Therefore, I respectfully submit that no case has been at all made out except the desire not to pay debts, except a desire to nullify just decrees passed by courts for changing the rules of customary law of this province. The indebtedness legislation has been designed in other provinces and was originally initiated by the Government with a view to alleviate cases of distress, but it was never intended that it should help the propertied classes to evade the payment of their debts. Therefore, I submit that before the customary law of this province is allowed to be interfered with piecemeal, a case should be made out for the change on the merits. What are the reasons for thus interfering with custom in this matter? The Punjab Legislative Council has not so far legislated on any rule of substantive customary law.

For the last sixteen years the rule prevalent has been the rule enunciated at the time of Sir Henry Rattigan with the assistance of his four colleagues. What is the reason for changing the law? The Honourable Mr. Justice Dalip Singh, in his opinion, points out that if it is a matter of principle and not of policy, he is strongly opposed to this section. There is no principle underlying this section except a desire to escape a just liability; and as for policy; the only policy actuating the opposite benches is "to wipe out the entire existing debt". But I should like the Government before it commits itself to any change of this type to enunciate its policy which has induced it to give even a qualified support to this clause, unless it be in sympathy with the policy of expropriation of the mover of the Bill. I am not in sympathy with this policy and am strongly opposed to it, and I believe that every true well-wisher of the province, who looks far ahead and not to the immediate present, would not encourage a legislation of this type. I respectfully submit that there is absolutely no justification for this clause, which is neither based on the existing custom nor on the existing case law nor has any foundation in either of the personal laws which are prevalent in this province amongst the Hindus, Muhammadans or Christians, nor is it justified on any grounds of equity, justice or common sense.

Rao Bahadur Chaudhri Chhotu Ram : I will be very brief in my reply. Mr. Mukand Lal Puri has suggested that if this clause is carried, then nobody will be able to borrow even a small sum of Rs. 500.

Rai Bahadur Mr. Mukand Lal Puri : May I add one word with your permission? I have not stated that the next holder includes the widow and the daughter too.

Rao Bahadur Chaudhri Chhotu Ram: Barring the period of the last fifteen or sixteen years at the utmost, the universal law of the land was that ancestral property in the case of a subsequent holder was not available for the liquidation of a previous holder's debt, and yet people were able to borrow Rs. 500, Rs. 5,000 and even Rs. 50,000. Therefore, if this provision brings the law into line with what it was, say, fifteen years ago, no cataclysmic results as predicted by my friend will ensue.

Another point to which attention was drawn by Mr. Puri was that 4 Punjab Record of 1913 only related to land, while the present provision

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covers the case of not only agricultural land but also other classes of property. It is a well understood principle that a court can only take cognizance of matters which are before it. The actual case which was before the court related to land and, therefore, they could not possibly have said anything about non-landed property. However my friend is, I am sure, well aware of the general custom of the province as embodied in the Rattigan's Digest that ancestral property is immune from attachment in the execution of a decree against a previous holder. The theory, as I pointed out in my opening speech, is that ancestral property is not inherited by a subsequent holder from his father but from the common ancestor. Therefore the objection raised by Mr. Puri that 4 Punjab Record of 1913 related only to land and therefore this provision also should have been confined only to land, does not possess any weight.

Rai Bahadur Mr. Mukand Lal Puri : Does the agnatic theory apply to your gold watch? (*laughter*).

Rao Bahadur Chaudhri Chhotu Ram : If it is ancestral property, it does.

My friend also put forward an objection that under no system of law was a subsequent holder absolved from paying his father's debt. He made a reference to the Hindu law saying that it was the pious duty of every Hindu son to discharge the debts of his father. He also made a reference to the Muslim law that unless the debts of a deceased person were discharged, he was not likely to go to heaven. (*An honourable member* : No.). Anyway, he said that it was the duty of the successors of a deceased Muslim to pay off the debts of the deceased. Fortunately or unfortunately we are being governed by a system of civil law which is neither Hindu nor Muhammadan law. When we appealed to the benches opposite that they should accept the Hindu law on *damdupat*, they refused to accept it. (*An honourable member* : We accepted it.) No, you did not. Therefore my friends on the other side cannot be allowed to take advantage of solitary injunctions of Hindu law on one point and isolated injunctions of Muslims law on another point. If they want to have the Hindu law, let them have it as a whole. If they want the Muslim law, let them have it as a whole. (*Interruption*). These interruptions, I submit, are most undignified. I never interrupted when the members on the other side were speaking. We are being governed by a system of civil law which is neither Hindu law nor Muslim law. For better or for worse we are being governed by a system of customary law and may allow ourselves to continue to be governed by that law. In matters of inheritance, succession, adoption, etc., we are governed by custom which has the force of civil law. So far as immunity from attachment of ancestral property in the circumstances to which this provision relates is concerned, custom was universal throughout the Punjab before this theory of special custom came into existence. In this connection I may draw the attention of honourable members to an incident which happened in the days of Maharaja Ranjit Singh. A map of India was placed before him. Certain patches of it were coloured red. "What is this?" asked the Maharaja. The attendant by his side replied that the red patches indicated British territory. The Maharaja said quietly, "In a little time the whole map will be

“red. The moral which I wish the House to draw from this incident is that if this special custom is allowed to grow, then the universal custom will disappear and special custom will take the place of the well-recognised custom in each district of the province for the reasons which I gave in my opening speech today. With these words I resume my seat.

Mr. President : The question is—

That clause 9 as amended stand part of the bill.

The Council divided : Ayes 45, Noes 34.

AYES.

Abdul Ghani, Shaikh.	Muhammad Amin Khan, Khan Bahadur Malik.
Afzal Haq, Chaudhri.	Muhammad Eusoof, Khwaja.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Akbar Ali, Pir.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Allah Dad Khan, Chaudhri.	Muhammad Raza Shah Gilani, Makhdumzada Sayau.
Asadullah Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Bishan Singh Sardar.	Muhammad Sarfraz Ali Khan, Raja.
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.	Nathwa Singh, Chaudhri.
Fazl Ali, Khan Bahadur Nawab, Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Ghani, Mr. M. A.	Nur Khan, Khan Sahib Bisaldar Bahadur.
Habib Ullah, Khan Bahadur Sardar.	Nurullah, Mian.
Haibat Khan Daha, Khan.	Pancham Chand, Thakur.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Ram Sarup, Chaudhri.
Jawahar Singh Dhillon, Sardar.	Riasat Ali, Khan Sahib Chaudhri.
Kesar Singh, Rai Sahib Chaudhri.	Roberts, Professor W.
Malak, Mr. Muhammad Din.	Sampuran Singh, Sardar.
Mamraj Singh Chohan, Kanwar.	Shah Nawaz Khan, Nawab Khan.
Mangal Singh, Man, Sardar.	Umar Hayat, Chaudhri.
Mazhar Ali, Azhar, Maulvi.	Zaman Mehdi Khan, Khan Bahadur, Malik.
Mohindar Singh, Sardar.	
Mubarak Ali Shah, Sayad.	
Muhammad Abdul Rahman Khan, Chaudhri.	

NOES.

Abdul Aziz, Khan Bahadur, Mian.	Dobson, Mr. B. H.
Anderson, Mr. J. D.	Fazl Ilahi, Khan Sahib Shaikh.
Askwith, Mr. A. V.	Firoz Khan Noon, The Honourable Malik Sir.
Bhagat Ram, Lala.	Gokul Chand Narang, The Honourable Dr. Sir.
Bourne, Mr. F. C.	Gopal Das, Rai Sahib Lala.
Boyd, The Honourable Mr. D. J.	Gindal, Mr. A. D.
Bradford, Mr. W. G.	
Chetan Anand, Lala.	

Jaswant Singh, Gura.
 Jogindra Singh, The Honourable
 Sardar Sir.
 Jyoti Prasad, Lala.
 Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Lekhwati Jain, Shrimati.
 Manohar Lal, Mr.
 Mayadas, Mr. E.
 Mukerji, Rai Bahadur Mr. P.
 Muzaffar Khan, The Honourable
 Nawab.

Narendra Nath, Diwan Bahadur
 Raja.
 Nihal Chand Aggarwal, Lala.
 Puckle, Mr. F. H.
 Pandit, Mr. Nanak Chand.
 Parkinson, Mr. J. E.
 Rahman, Khan Bahadur Dr. K. A.
 Ramji Das, Lala.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Stubbs, Mr. S. G.

Clause 10.

Mr. President : Clause 10.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): Sir, clause 10 provides :

Notwithstanding anything to the contrary contained in any other enactment for the time being in force :—

- (1) Standing crops other than cotton and sugarcane shall not be liable to attachment or sale in the execution of a decree ;
- (2) Standing trees shall not be liable to sale in execution of a decree or an order of a court.

Now, this is the last and final touch on the whole scheme of legislation calculated to wipe out debts in their entirety which is embodied in this Bill. After having made all the property of a judgment debtor, which is of a tangible character immune from attachment or sale, the attempt here is to make immune from sale that small portion of property which was so far immune and which could be attached and which could not be easily concealed. Land cannot be sold under the Land Alienation Act. Lease of agricultural land for 20 years has been given the go-by under the guise of making a provision of subsistence for the judgment-debtor and his family, which in ordinary cases would be enough to exhaust all his land. Houses are already exempt under section 60 and its amendment by Punjab Relief of Indebtedness Act, and the moveable property, as everyone is aware, whether in the shape of cash or other articles, is in the best of cases never available for the creditor, is proverbially elusive, as it is so easily concealed. The only incentive to prevent such concealment was the provision for attachment of person. By the abolition of arrest against members of statutory agricultural tribes, moveable property has already been placed beyond the reach of the creditor. The last clause exempted ancestral property, but even if that clause were not there, the circle of protection against the debtor of statutory agricultural tribes was well nigh complete. Of his moveable property, the standing crops and trees, again, subject to certain exemptions, were the only two things which were capable of attachment. Now, with respect to standing crops I have already read out to the House, when opposing the consideration of the report, what the effect of section 60 of the Civil Procedure Code read with section 70, proviso, of the Land Revenue Act is. I placed before you a quotation from the Rules and Orders of the High

Court which is also reproduced in the Financial Commissioners' circular as to what the effect of those provisions is, that in the case of persons who are agriculturists so much of their standing crop as is necessary for the maintenance of the judgment-debtor and his family, and for the seed grain and for the subsistence of their cattle till the next harvest, is already immune from attachment or sale. When that is already immune, what else does the learned proposer want to exempt, except to demonstrate, if I may repeat what I said the other day, his complete victory? It was with respect to these provisions that the Registrar of Co-operative Societies pointed out that if this exemption is added to the already existing and other proposed exemptions, this reduces the security of the judgment-debtor to a vanishing point, an opinion which was endorsed by Honourable the Financial Commissioner. The same opinion was expressed by a Muslim Economist of the Hailey College. For the mere sake of keeping appearances Rao Bahadur Chaudhri Chhotu Ram should not have proposed this clause. But he is in no mood to listen to any ideas of fairness, and that shows the real intentions of the legislation.

Another matter to which attention ought to be drawn is this. When the Land Alienation Act was passed, the question arose as to what property is exempt from attachment or sale, and considerable controversy arose in courts as to what was land and what was not land, and as long ago as 1905—the Land Alienation Act you remember was first passed in the year 1900—in the Punjab Record 14 of 1905, Sir William Clarke, the Chief Judge, held that a proprietor's share of standing crops is not land within the definition of section 2 of the Punjab Land Alienation Act, 1900, and can therefore be sold in execution of a decree. Again, it has been held by the Chief Court as well as by the High Court, Honourable Mr. Justice Scot Smith held in 5 Lahore, 385, sitting with Honourable Justice Forde, that the trees growing on agricultural land are not land within the meaning of section 2 of that act. Apart altogether from the merits of the proposal, apart altogether from its injustice, this is, I assert, another attempt—whether the Government will see or will see it not,—of extending the scope of the Land Alienation Act to the benefit of the debtor. It is not as if these decisions had been given recently. As long ago as 1905, thirty years ago, the question was raised whether standing crops should be immune from attachment or should not be immune under the Land Alienation Act, and the courts decided that they were not exempt from attachment. Similarly with respect to trees. Now if Rao Bahadur Chaudhri Chhotu Ram wishes to ask this House to pass a legislation which does away with the effect of this interpretation of the Punjab Land Alienation Act, with a view to benefiting the debtor and to the detriment of the creditor, is he not asking this House and the Government to extend the provisions of the Land Alienation Act by nullifying the interpretation placed upon it by courts, and which has held the field unchallenged ever since the Land Alienation Act was passed? Is he not circumventing the Government, and compelling it to go back on its oft-declared policy to which the Finance Member even expressed adherence in the course of the debate that it will not extend or curtail the scope of the Land Alienation Act so far as it relates to the relations between the creditor and the debtor? It is immaterial what reason is given for this amendment, whether it is economic or frankly a proposal to extend the

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principles of the Land Alienation Act, if the effect is to displace the existing practice and override the decisions of the courts. The incontrovertible fact is that if this section is enacted, the present practice, based on interpretations of the provisions of the Land Alienation Act by the highest court, will be changed to the detriment of the creditor. This is, again, another instance where the Government is being made to accept propositions and principles contrary to its declared policy. With respect to standing crops, the reason given by the other side for exempting them from attachment is that attachment will diminish the value of crops as the caretaker or the *sapurdar* is not likely to look after the crops properly, and therefore the crops will deteriorate in value. That is a wrong statement of fact and has neither any *apriori* ground nor experience to support this bald assertion. The decree holder is anxious to realise his money and the person who has got an eye on realisation of money, is he likely to allow the property to deteriorate? He will look after it more carefully than the judgment-debtor. Therefore that argument is absolutely fallacious. If that argument were true, then why confine it to cotton only? It was stated the other day by Mr. Bhagat Ram, the honourable member from Jullundur, that potatoes and half a dozen other crops could be named which are of such a character that they are less liable to deterioration than the two crops proposed to be exempted. If the two particular crops are exempted, the debtor agriculturists will not cultivate these two crops, and thus in their case, it will again result in total exemption of their crops. I must refer to another aspect also, *i.e.*, that some landlords are also opposed to it. If standing crops are exempted, how is the landlord to realise his rent in cash from the tenants? The tenantry of this province generally do not possess any other property except the standing crops, and the landlord, whose rent is in arrears, has no other means of realising his rent except by attachment of the standing crops. I strongly oppose the clause.

Chaudhri Muhammad Abdul Rahman Khan (Jullundur, Muhammadan, Rural) (*Urdu*): Under the existing law the standing crops are liable to attachment in execution of a decree provided some sufficient allowance is made for the judgment-debtor's family. But it has been provided in this Bill that all crops other than cotton and sugarcane shall not be liable to attachment in execution of a decree. I do not see any reason why an exception in case of cotton and sugarcane is being made. Both these crops are very important. The zamindar pays land revenue out of the proceeds of the sugarcane crop. He gets merely his due for the labour he spends on this crop. The cotton crop is barely sufficient for his personal use. He grows only so much cotton as is necessary for preparing his wearing apparels. Besides, after rahi, rains set in and spoil standing crops whether attached or otherwise. I therefore submit that all crops including even cotton and sugarcane, whether standing or harvested, should not be liable to attachment in execution. With these words I support the clause under consideration.

The Honourable Mr. D. J. Boyd (Finance Member): I must make the Government's position with regard to this clause quite clear. The Government must oppose the clause *in toto*. With regard to attachment of standing crops, the law, I think, is fairly well-known to most members

of the House. There is nothing whatever to compel the courts to put standing crops in charge of a *sapurdar* and, subject to such conditions as may be imposed by the court either in the order of attachment or in a subsequent order, the judgment-debtor may tend, cut, gather and store the produce and do any other act necessary for maturing and preserving the crop. This is order 21 rule 45 sub-rule (2). So that normally one would expect—and so far as my experience goes, it is the normal procedure—that the owner of the crop must remain in charge. I think it is quite unnecessary for the preservation of the crop to provide that it shall be free from attachment. In addition to that the list of property belonging to an agriculturist judgment-debtor, which is already free from attachment under the law, is a very long one indeed. His necessary wearing apparel, cooking vessels, bed and bedding, personal ornaments, which are required by religion to be worn by females, are not liable to attachment; and implements of husbandry, cattle and seed grains such as are sufficient to enable him to earn his livelihood and such other agricultural produce or class of agricultural produce as the collector may think necessary for the subsistence, until the next harvest following, of the judgment-debtor, his family; and cattle are also exempt, and so on. It therefore seems unnecessary to exempt standing crops also. But with regard to trees, I understand that the proposed amendment of the law has been caused by that judgment of the High Court in 1935 to which reference has already been made. With regard to that it would seem fair that trees standing on land which is protected under the Alienation of Land Act from sale should receive the same degree of protection as the land itself. One member of this House has already received permission to introduce a Bill to amend the Punjab Alienation of Land Act so as to ensure that trees go with the land in cases where the land is protected. Whether the Bill will achieve that object or not remains to be seen, but that Bill is likely to come before the House. The Government is itself even considering the propriety of introducing a short measure of their own dealing with that matter with reference to the recent full bench ruling of the Lahore High Court in A. I. R. 1935 Lahore, page 202. The legislation would take the form of a Bill amending the Punjab Alienation of Land Act 1900. In the meantime pending completion of the examination which Government are at present making, they must oppose the proposals in this clause of the Bill which is before the House, as in certain types of cases these proposals would be likely to produce unexpected and anomalous results (*hear, hear*).

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*): I rise to oppose the clause now under consideration for I consider it to be detrimental even to the interests of the zamindars themselves. It has been provided in this clause that standing trees and standing crops other than cotton and sugarcane shall not be liable to attachment for sale in execution of a decree. This means that cotton and sugarcane will be liable to attachment in execution of a decree. These are two important crops; and, if this clause is accepted, I am sure it will change the mentality of the zamindars, and they will probably cease sowing these crops altogether. There is another point also to which I should like to draw the attention of the House. Supposing a landlord does not give his tenant his dues. How is the latter, if he brings a suit against the landlord,

[Shri. Lekhwati Jain.]

going to benefit by this clause? He will not be able to have his decree executed against his landlord. In short my submission is that such a clause should not be incorporated in the Bill. To say the truth in this House is very difficult, for all honourable members do not like it.

Mr. President : The honourable member will please withdraw that remark. She should not cast an aspersion on the House.

Shrimati Lekhwati Jain : I withdraw it. I am sorry. What I meant to say was that all the honourable members on the opposite benches opposed this clause and also said that I wanted to suck the blood of poor zamindars and that I had no sympathy with them. Often Bills and resolutions moved in this House are rejected by the opposite benches by such arguments as that they are against the Hindu Dharm or the Muslim faith and that their religion is in danger on account of these. But even after pointing out all the harm that will be done if this clause is accepted and enforced no protest has been raised against it. According to this clause the sahkars cannot attach the land, houses, cattle and other property of the zamindars in satisfaction of their decrees. I ask the honourable Chaudhri Sahib to tell us how the sahkars will be able to satisfy their decrees. With these words I oppose the motion under consideration.

Kanwar Mamraj Singh Chohan (Ambala-*oam*-Simla, non-Muham-*madan*, Rural) (*Urdu*): I have stood up to say a few words in support of this clause. I am a zamindar and myself get all the work connected with agriculture done. I am not like many other zamindars who depend upon tenants for tilling their land and getting from them their *laghan*. I till the land with my own hands and invest my labour, time and capital in it. I know and realise the difficulties which confront the zamindars. Really the honourable

5 P. M.
Chaudhri Sahib deserves all praise and congratulations for moving this clause. This clause, which has been so vehemently opposed by these benches, not only protect the small holders from the sahkars but it also affords protection to them from the big landlords. The big landlords are often more dangerous to the interests of the small holders than the sahkars. Big landlords have power, influence and sometimes also hooligans attached to them. They with the help of all these instruments of coercion can prove more detrimental to the agriculturists. This clause aims at protecting the crops and trees belonging to the zamindars from attachment. Those honourable members who think that by this clause the judgment-debtors will be able to sell their standing crops to some other persons are wrong. They only put a wrong construction on the meaning of the clause. This argument might be right in their opinion but so far as I am concerned it is absolutely wrong. When a creditor gets the information that the judgment-debtor is about to sell his crops he at once proceeds to a civil court and obtains an injunction order under section 29 prohibiting the judgment-debtor from selling his crops. Under section 29 an injunction order can be issued to a judgment-debtor not to remove his crops whether standing or cut from the fields. After a crop has been cut it has to be kept in the

fields at least for a month before it is thrashed and the grain separated from chaf. As regards cotton and sugarcane they cannot be allowed to be protected so long as they are standing. I approached Chaudhri Sahib and told him that these two crops should be excepted for otherwise they will remain a cause of continuous litigation and quarrel between the creditors and debtors. He agreed to my proposal and made them an exception. The remaining crops which cannot be attached according to this clause are protected for the time they remain standing but as soon as they have been cut and made marketable they become liable to be attached in execution of a decree. As such no one should have any objection against the acceptance of this clause. The next part of this clause is with regard to standing trees. The principle underlying this part of the clause is also the same as the one underlying its first part. A fully grown up tree can sell for a greater amount than a tree which is yet tender. A shisham tree of 20 years of age can be sold for Rs. 50 and in some cases for Rs. 100, but a young shisham tree will not fetch more than Rs. 2 or Rs. 3. Sometimes standing trees of tender age are cut down to satisfy a decree. Under this clause it would become impossible for the creditor to do so. Then, if a zamindar cuts down a tree with the intention of selling it, the creditor on getting the information will be in a position to get it attached. As such this clause is on the whole not in any way detrimental to the interests of the creditors. The real purpose of this clause is to save the crops from being wasted. Sometimes the sahuikars get an injunction order issued to the judgment-debtors not to remove the standing crops. The judgment-debtors in obedience to the order of the court let the crops remain standing in the fields and do not cut it, and the sahuikars also do not try to get them attached and cut. In this way the crops are allowed to remain in the field for a much longer time than is usual and the grains drop down in the fields causing loss to the judgment-debtor as well as the decree-holder. In order to save the crops from such losses this clause has been incorporated in the body of this Bill. The zamindars will be afforded protection from useless litigation which is already a cause of great trouble to them. If the zamindars are protected from useless botheration and expensive litigation it would be of great help to them. With these words I support the clause under consideration.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*): I have also got some land and I till it with my own hand and I know all that is practised by the zamindars with regard to their crops. I am aware that often the zamindars sell their standing crops. Potatoes, red chillies, sweet potatoes, *arvi*, etc., are such crops which are sold even while they are standing in the fields. All kinds of vegetables are also sold while they are in the fields. In this clause cotton and sugarcane are the two standing crops which can be attached. As regards cotton, if it is allowed to stand in the field for a longer time than necessary then the cotton pods fall down and cause a good deal of loss to the zamindars. In the present case when the creditors have the power of getting cotton crop attached the loss will be theirs if they allowed it to remain in the field for a longer time than necessary. In this clause those crops which ought to have been made liable to attachment have been made an exception and those crops which ought not to have been made liable to attachment have

[L. Bhagat Ram.]

been made liable to attachment. Only those crops have been protected from attachment which could have been of use to the creditors while those crops which could cause loss to the decree-holders have been exempted from the liability of attachment.

As regards the standing trees an honourable member said that they have been exempted from the liability of attachment because often they are attached and cut while still young causing too much loss to the judgment-debtor. In part (2) of the clause nowhere has it been said that the trees which are fully grown may be attached and sold. The honourable member had said that a tree of 20 years of age fetches more price than a young tree. This meant that he was suggesting that grown up trees may be made liable for sale but in the clause itself there is nowhere stated that fully grown up trees will be liable for sale. As such it appears that the purpose underlying this clause is quite different from that of the honourable member. To me the clause appears to be absolutely meaningless.

This legislation is a sample of the unjust and severe laws that will be imposed upon us by the majority community, which is going to govern this province under the new constitution. An honourable member of this House was saying in the lobby that it was the tradition of his forefathers not to pay back the loan which they incurred from anybody.

My honourable friend Rai Bahadur Mukand Lal Puri has very lucidly pointed out in his speech that already no facilities exist for the sahuks to recover their debts. The house or the agricultural land of the zamindar cannot be possessed by the sahuks in execution of a decree. The land can be attached and alienated only temporarily for a period of twenty years after exempting such portion of the land as may be sufficient for the maintenance of the judgment-debtor and his family. If some amount of land had been definitely fixed for this purpose, it would have been much better. For instance, twenty bighas of land could be set aside for this sake. It is very vague and indefinite to say that such portion of the land be exempted from attachment or temporary alienation as may be sufficient for the maintenance of the judgment-debtor and his family. A zamindar can easily increase his expenses and say that the whole of his land is insufficient for his subsistence. The bigger a zamindar the greater will be his requirements and the land required for the maintenance of his family will naturally be much larger. Thus in that case no amount of land will be attached. Now the clause under discussion proposes that standing crops and standing trees shall not be liable to attachment or sale in the execution of a decree. I am really at a loss to understand how the sahuks will realize any money and recover his debts, if all avenues are closed. It will really be very hard and cruel on him. The law should treat everybody alike. It has been argued that the object of this measure is to help the poor. But the condition of the sahuks also is quite changed now and he is as poor as the zamindar. He deserves as much pity as anybody else. Previously, if a zamindar owed forty rupees, the creditor could get from him at least five or six rupees ; but in the presence of such provisions and laws it will be impossible for the sahuks to recover anything. If this law had been made ten years before,

the condition of the sahukar to-day might have been different. He might not have advanced his money to the zamindars. By lending money to them he has been reduced to poverty. His condition to-day is worse than that of the zamindars. I, therefore, ask, if the purpose of this Bill is to help the poor, why has the sahukar been neglected? It is quite just and fair that some sort of provision should be made for him, too. Our government is well-known for its sense of justice and equity. If the promoters of this Bill are bidding good-bye to their wisdom and sense of proportion, I fervently hope that government will not bid farewell to its proverbial sense of justice, and be a party to this measure. With these words, I strongly oppose the amendment under discussion.

Lala Chetan Anand (West Punjab Towns, non-Muhammadan, Urban) (*Urdu*) I rise to invite the attention of the House to another important point in this connexion. In our districts of Multan and Lyallpur the government has given land to people on lease. But it has not given any proprietary rights to them. The result is that that land cannot even be attached or temporarily alienated in execution of a decree. Now, if the sahukar is unable to sell standing crops and standing trees in the execution of a decree as is proposed by this amendment, what other avenue will be open to him to recover his debts? Already there are few facilities for this purpose. It will really be very hard on the sahukar, if he is denied even this right. It will be impossible for him to recover his debts and realize any money from the zamindars. I would, therefore, appeal to the House to take this aspect of the question also into consideration.

Mr. President : The question is—

That clause 10 stand part of the Bill.

The Council divided : Ayes 41, Noes 39.

AYES.

Abdul Ghani, Shaikh.
 Afzal Haq, Chaudhri.
 Ahmad Yar Khan Daulatana, Khan Bahadur Mian.
 Akbar Ali, Pir.
 Allah Dad Khan, Chaudhri.
 Asadullah Khan Chaudhri.
 Buta Singh, Sardar Bahadur Sardar.
 Chhotu Ram, Rao Bahadur Chaudhri.
 Faqir Husain Khan, Chaudhri.
 Ghani, Mr. M. A.
 Habib Ullah, Khan Bahadur Sardar.
 Haibat Khan Daha, Khan.
 Janmeja Singh, Captain Sardar Bahadur Sardar.
 Jawahar Singh Dhillon, Sardar.
 Malak, Mr. Muhammad Din.

Mamraj Singh Chohan, Kanwar.
 Mangal Singh Man, Sardar.
 Mazhar Ali Azhar, Maulvi.
 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 Jamal Khan Leghari, Khan Bahadur Nawab.
 Muhammad Raza Shah Gilani, Makhdumzada Sayad.
 Muhammad Sadiq, Shaikh.
 Muhammad Sarfraz Ali Khan, Raja.
 Muzaffar Khan, Khan Bahadur Captain Malik.

Nathwa Singh, Chaudhri.
 Noor Ahmad Khan, Khan Sahib
 Mian.
 Nur Khan, Khan Sahib Risaldar
 Bahadur.
 Nurullah, Mian.
 Pancham Chand, Thakur.
 Ram Sarup, Chaudhri.

Riasat Ali, Khan Sahib Chaudhri.
 Roberts, Professor W.
 Sampuran Singh, Sardar.
 Shah Nawaz Khan, Nawab Khan.
 Ujjal Singh, Sardar Sahib Sardar.
 Umar Hayat, Chaudhri.
 Zaman Mehdi Khan, Khan Bahadur,
 Malik.

NOES.

Abdul Aziz, Khan Bahadur Mian.
 Anderson, Mr. J. D.
 Askwith, Mr. A. V.
 Bhagat Ram, Lala.
 Bourne, Mr. F. C.
 Boyd, The Honourable Mr. D. J.
 Bradford, Mr. W. G.
 Chetan Anand, Lala.
 Dobson, Mr. B. H.
 Fazl Ilahi, Khan Sahib Shaikh.
 Firoz Khan Noon, The Honourable
 Malik Sir.
 Gokul Chand Narang, The Honour-
 able Dr. Sir.
 Grindal, Mr. A. D.
 Jogendra Singh, The Honourable
 Sardar Sir.
 Jyoti Prasad, Lala.
 Kesar Singh, Rai Sahib Chaudhri.

Labh Chand Mehra, Rai Sahib Lala.
 Labh Singh, Mr.
 Lekhwati Jain, Shrimati.
 Mayadas, Mr. E.
 Mukand Lal Puri, Rai Bahadur Mr.
 Mukerji, Rai Bahadur Mr. P.
 Muzaffar Khan, The Honourable
 Nawab.
 Narendra Nath, Diwan Bahadur
 Raja.
 Nihal Chand Aggarwal, Lala.
 Puckle, Mr. F. H.
 Pandit, Mr. Nanak Chand.
 Parkinson, Mr. J. E.
 Rahman, Khan Bahadur Dr. K. A.
 Ramji Das, Lala.
 Sewak Ram, Rai Bahadur Lala.
 Shave, Dr. (Mrs.) M. C.
 Stubbs, Mr. S. G.

Clause 11.

Mr. A. V. Askwith (Home Secretary): Sir, the amendment which have to move is in terms as follows:—

In clause 11, sub-clause (1), for the words 'where an application to execute a decree not being a decree granting an injunction has been made' the following words be substituted:—

'Where an application has been made to execute a decree passed after the commencement of this Act against a debtor as defined in sub-section (2) of section 7 of the Punjab Relief of Indebtedness Act, 1934, and not being a decree granting an injunction.'

This amendment is designed to serve two objects. In the first place the amendment is intended to restrict the changes which the new clause will effect in the limitation law to the case of decrees against debtors as defined in the Act passed in this Council last year. Civil law is a subject in regard to which, so far as basic principles are concerned, there is uniformity throughout British India. I think that the honourable members of this House will agree, that any break which has to be made in that uniformity should be restricted to the smallest possible dimensions. I believe that I am correct in saying that so far as this particular matter of the limitation

period for the execution of decrees is concerned, the uniformity throughout British India is up-to-date an intact uniformity. The House will, I think, agree that the break which it is now intended to make in that uniformity should be kept to the smallest possible limits. It is not merely an abstract principle that the breach in the uniformity should be as small as possible. It can also be said that real practical inconvenience would be likely to result if the clause were given the wide effect contemplated by the honourable promoter of the Bill. In its present terms the clause applies not merely to transactions between money-lenders in the Punjab, and their debtors but to decrees of all kinds, including decrees obtained in Punjab courts by commercial firms having their place of business in other provinces of India or perhaps in countries outside India. If the clause were enacted in the form in which it has emerged from the select committee the limitation period would be changed in respect of those decrees. One can well conceive that a firm having its place of business in the United Kingdom or in some foreign country might be genuinely ignorant of the peculiar local law regarding limitation obtaining in the Punjab, and that its cases might be prejudiced on that account. I do not think that the promoters of the present measure really intended their measure to be applicable to any kind of decrees other than those in which the ordinary village money-lender and the ordinary village debtor are concerned. I do not think that they really intended that it should be applicable to large commercial transactions. The first object of the Government amendment is to remove doubts on that point and to make it clear that the change in regard to limitation is to be applicable only to cases in which the decrees are held against debtors as defined in the Punjab Relief of Indebtedness Act, 1934.

The second object of the present amendment is to secure that the new clause shall not be applicable to decrees awarded by courts prior to the enactment of the new measure. If the clause became law in its present form, a person holding a decree six or seven years old might wake up one morning to find that that decree had suddenly become valueless. The decree-holder of whom I am thinking might have decided, for reasons entirely honourable, that it was advisable not to apply for execution immediately after the passing of the decree. Nevertheless he might wake up and find that the decree held by him in his safe had suddenly become of no value whatever. I think it will be universally agreed that that would be a serious injustice. The injustice has, I take it, been recognised by the supporters of this measure, for I notice a number of amendments standing on the order paper, in the name of the promoter of the Bill himself, or in the names of members of his party, in which changes are proposed to be made modifying the retrospective effect which the clause would otherwise have. He proposes, however, to save past decrees only to the extent of a single year. The amendment which appears subsequently on the order paper allows the holder of a decree six or seven years of age a period of one year only within which to apply for execution. I venture to suggest that that is not going far enough. It is a generally accepted principle that when new legislation is enacted it should not be given retrospective effect. The second object of the Government amendment is to preserve the full value of past decrees unimpaired, even after the enactment of the new measure. I move the amendment.

Mr. President : Clause under consideration, amendment moved—

That in clause 11, sub-clause (1), for the words "where an application to execute a decree not being a decree granting an injunction has been made" the following words be substituted:—

"Where an application has been made to execute a decree passed after the commencement of this Act against a debtor as defined in sub-section (2) of section 7 of the Punjab Relief of Indebtedness Act, 1934, and not being a decree granting an injunction."

Rai Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan Rural): The objects which this amendment has in view have already been explained by the Home Secretary. They are two. One is that no law should ordinarily be given retrospective effect, and the other is that this clause should apply only to debtors as defined in the Punjab Relief of Indebtedness Act. So far as the members of my party are concerned and so far as the zamindar members as a class are concerned, they are not for making any distinctions to the disadvantage of non-agriculturists. However, as the position on behalf of non-agriculturists has already been explained by Diwan Bahadur Raja Narendra Nath and the Government has acknowledged him as being a true representative of non-agricultural interests, I will not oppose this amendment, particularly in view of the fact that the definition of the word 'debtor' also includes practically all members of the depressed classes. But I must not be supposed to subscribe to the view that no law should be given retrospective effect. There may be cases, there may be circumstances in which effective protection can only be given to a class by giving retrospective effect to a measure. So far as the present clause is concerned, if retrospective effect is not given, no serious harm is likely to accrue. Therefore I am not opposing this amendment.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : The reasons which have been given by the mover of this amendment, the Home Secretary have, it appears been accepted by the mover and the supporters of the Bill. The object of the Home Secretary, as he stated, was to confine, if I may use that expression, confine the mischief of the section of the Bill within as narrow limits as possible by excluding certain classes of creditors from its purview and by not making it retrospective in its operation. By this amendment he wishes to exclude from the mischief of this clause certain classes of creditors, that is, banks, companies, co-operative societies and persons who have lent money to 'traders.' I, however, doubt very much if he has been able to achieve one of the two objects which he enunciated in his speech and which he said, he wanted to achieve by this amendment. One object was to make this provision not retrospective. That has been expressly provided, but the other object was to make uniformity of legislation which exists in India on this subject as little irksome to people residing in other provinces and in the United Kingdom as possible. I wish to point out to the Home Secretary that his amendment would, no doubt, exempt companies and banks, but this limitation of six years would, in spite of his amendment, apply to all partnership and all firms carrying on business not only in this province but in other provinces as well as those in the United Kingdom, in fact to every one who has given a loan to a person who is not a 'trader.' I put it to him, I put it to the House to consider whether if a loan has been advanced, let us say to any of the Honourable Ministers of our Government, Sir Jogendra Singh or Sir Gokul Chand Narang, Sir Firoz Khan Noon

by a firm, whether English or Indian at Lahore or in any other province or in the United Kingdom, would that be governed by six years or twelve years? I say emphatically and without fear of contradiction that they would be governed by six years rule of limitation. Therefore the Home Secretary is sadly mistaken, if he thinks he has secured uniformity of rule with respect to firms in other parts of India or the United Kingdom. Again, what justification is there I ask that trade debts, grocers' debts, debts due to merchants who in their bills say that if payment is not made before the end of the month interest at 12 per cent. will be charged, and which are therefore loans, should have their period of limitation, their period for realisation from these elusive debtors curtailed? The Government, I submit, has not succeeded in achieving one of the two objects which the mover of the amendment has in view, because the definition of 'debtors' in the Regulation of Accounts Act which has been bodily incorporated in this Act does not confine to money transactions with the members of agricultural tribes or with agriculturists. It extends equally to any loan which may be advanced by a person (excluding banks, public companies and co-operative societies) to any one who is not a trader. Therefore that object has certainly not been achieved.

Again I do not understand the wisdom or propriety or even the mentality of people who consider a provision, improper in essence and would not like it to be extended to their favourite creditors, but have no objection to its extension to others. I raised my voice last time on this very matter when exemptions were sought to be created in favour of co-operative societies. No doubt, these exemptions are also enjoyed by joint stock banks in which the rest of the community are also interested, but I wish respectfully to bring to the notice of the Government the well-known Persian couplet—

هر چه بر خود نه پسندی بر دیگران نه پند

"Do not propose for others, what you do not like for yourself."

The Government is interested in its own credit institutions, the co-operative societies. I do not see any reason why in the matter of law of limitation for execution of decrees, these should be favoured decree-holders. When once decrees have been obtained, all decree-holders, whether banks or individuals, should have the same assistance from courts. Therefore my submission is that if the Government views a thing as inherently wrong, as not suitable for certain class of creditors, it should oppose it in its entirety and not be satisfied by having secured their own credit institutions and certain favoured creditors out of its mischief. These are the few observations, which I wished to place before the House and the Government in connection with the amendment.

Mr. President: The question is—

In clause 11, sub-clause (1), for the words "where an application to execute a decree not being a decree granting an injunction has been made" the following words be substituted:—

"Where an application has been made to execute a decree passed after the commencement of this Act against a debtor as defined in sub-section (2) of section 7 of the Punjab Relief of Indebtedness Act, 1934, and not being a decree granting an injunction."

The motion was carried.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): I beg to move—

In clause 11, after sub-clause (1) (b), the following proviso be added:—

“ Provided that in calculating the said period of six years, the time spent in deciding objections to attachment or sale of the property in any court, and in suits to establish a claim to, or charge upon, or right in attached property or property claimed to be that of judgment-debtor, and in appeals from all these proceedings, the time during which a decree-holder has been prevented from executing his decree by a decree or order of any court and the time during which a judgment-debtor has been absent from British India and the time spent in false plea of payment under Order 21, Rule 2, Civil Procedure Code, shall be excluded.”

It is well-known and has often been pointed out by the Privy Council and the High Courts that the difficulties of a decree-holder commence after he has obtained the decree and when he is confronted by a dishonest debtor by all kinds of subterfuges to deprive him from realising the money due from him. It is known to everybody who is familiar with courts and cannot be unknown to my honourable friend, the mover of this Bill, that the decree-holders are invariably met with pleas of false objections to attachment and sale of property. When those objections fail, the objectors file declaratory suits which have to be decided in accordance with the Civil Procedure Code necessitating the filing of a plaint, the summoning of the defendant who has to put in a written statement. After the written statement is put in, howsoever frivolous the suit may be the courts have to strike issues in accordance with the Civil Procedure Code. After issues have been struck it is the right of the plaintiff to claim a hearing, when he is entitled to call witnesses, the number of witnesses being only restricted by the relevancy of the facts to which they have to depose and the courts cannot in any way cut out witnesses, on the ground that there are 50 or 60 of them and not 5 or 6. After the plaintiff has thus let in his evidence, the defendant is given the same privilege after which the courts adjudicate upon the issues. After one court has given its finding confirming the dismissal of objections by the trial court, that is after the declaratory suit is dismissed, the person who has filed the objections at the instance of the judgment-debtor goes to the appellate court where he carries on his appeal. That appeal in the natural course of events takes a considerable time when ultimately it is dismissed. The decree-holder has thus lost three years as a result of one objection besides expense and trouble. He again starts proceedings against that property. This time another suit is filed by another relation of the judgment-debtor claiming perhaps a charge upon the property or claiming maintenance or claiming a charge on account of dower. That suit again runs its course first in the original court, necessitating a fresh trial which takes more than a year and a half and the same period of time is again taken in appeal. When the decree-holder is again successful and wishes to proceed against the property, he will find that the period of six years is over. Therefore I ask that if the object of this House is that decrees should not hang over the heads of the judgment-debtors longer than it is absolutely necessary, the time which has been taken by the obstructive tactics of the judgment-debtor should in all fairness be excluded in counting the period of limitation for executing the decree, whatever period you may choose to fix, whether it is 12 years, or 6 years or 8 years. Unfortunately no such provision is made in this Bill and the object of my amendment is only to ask this House to put in this proviso which would extend the period of limitation by the

period during which all these proceedings or suits arising out of false and obstructive objection proceedings or appeals therefrom are pending. The time during which a court may have issued an injunction to the decree-holder not to execute the decree and the time during which the judgment-debtor may be absent from British India should certainly be excluded. I have also added another provision which is necessitated by the amendment of Order 21, rule 2, Civil Procedure Code. There was a very salutary provision in the Civil Procedure Code, Order 21, rule 2 (3), that no executing court will take cognizance of a payment which had not been certified but which was omitted by the Punjab Relief of Indebtedness Act, 1935, and which has the effect of prolonging the execution proceedings by false pleas of payment, unnecessarily. Therefore with the omission of that sub-clause (3) of Order 21, Rule 2, the effect has been that it is possible for the judgment-debtor to put up a false plea of payment after the decree has been passed and to keep the execution proceedings hanging for some more time. Therefore what this amendment proposes is nothing more nor less than this, that where the delay has been due to the obstructive tactics of the judgment-debtor, that time might be excluded in calculating the period of limitation. There is section 15 of the Indian Limitation Act, a section which is based on common sense and which Rao Bahadur Chaudhri Chhotu Ram, I hope, would also agree, is based on common sense and should be given effect to. Section 15 provides that in counting the period of limitation for any suit or application, the time during which a party has been prevented by injunction or order of a court in proceeding with execution should be excluded in calculating the period of limitation provided for that. But unfortunately that section does not apply to the present law inasmuch as we are amending here section 48 of the Civil Procedure Code and not any period of limitation provided under the Limitation Act. There is that salutary provision, as I have pointed out, in the Indian Limitation Act where the periods of limitation range from a month to 12 years. But unfortunately that provision does not find a place in the Civil Procedure Code which is attempted to be amended here. Therefore, in all justice, in all fairness, where a person has been prevented by an order of the court from proceeding with the application—and you know that injunctions are issued every day—decree-holder is executing a decree and the judgment-debtor's relative or friend files a suit in another court and that court issues an order to the decree-holder that he should not proceed with the execution—the decree-holder must obey that order—and that injunction may last for two or three years—does not Rao Bahadur Chaudhri Chhotu Ram know that such injunctions do continue for two to three years and does he also not know that once these injunctions are discharged by the trial court injunctions are again granted by the appellate courts—so where a person has been prevented by an order of the court, is it not fair, when counting the period of limitation, to exclude that period during which the person has been prevented from proceeding with the execution? Already you are reducing the period of limitation to such a small period as six years and therefore you should at least exclude that period in which a person has been physically prevented, not even by the dilatory tactics of the judgment-debtor, but by an order of the court from prosecuting the execution proceeding. I therefore submit that without an amendment like the one I have proposed, this provision is most unjust,

[R. B. Mr. Mukand Lal Puri.]

lays a premium on the dilatory tactics of judgment-debtors and is calculated to defeat the ends of justice. I commend this amendment, therefore, to the consideration of the House.

Mr. President : Will the honourable member please refer to the last three lines of his amendment ? Unless the honourable member's amendment is complete and full of sense, I shall have to decline to put it from the chair. The honourable member is even now at liberty to make it complete.

Rai Bahadur Mr. Mukand Lal Puri : You have only to add the words 'determination of' between the words 'in' and 'false' in the last but two lines of the amendment.

Mr. President : Rule 2 of Order 21 has got three sub-clauses and there can be no false plea either under sub-clause (1) or under sub-clause (3) ; it can be only under sub-clause (2). The honourable member has not specifically mentioned any sub-clause in his amendment.

Rai Bahadur Mr. Mukand Lal Puri : It will apply to the relevant sub-clause. If necessary, such things can be done by the drafting committee or I can do it now.

Mr. President : I decline to put the amendment as it stands. I will put it the day after to-morrow, if the honourable member amends it in the meantime.

The Council then adjourned till 2 P. M. on Thursday, 28th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Thursday, 28th November, 1935.

The Council met at the Council Chamber at 2 P.M. of the clock. Mr. President in the chair.

STARRED QUESTIONS AND ANSWERS.

SERVICES OF SAHIBZADA MIRZA ATZAZUDDIN, SUPERINTENDENT OF POLICE, JHELUM.

***5180. Shrimati Lekhwati Jain :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that the services of Sahibzada Mirza Atzazuddin, Superintendent of Police, Jhelum, were recently lent by the Punjab Government to the Loharu Durbar, if so, on what terms and conditions ;
- (b) if not, whether he was holding any office in the Loharu State during the period of his leave before resumption of his office at Jhelum ;
- (c) whether it is a fact that during the period his services were lent, he was drawing pay from the Punjab Government ?

The Honourable Mr. D. J. Boyd : It is not correct that the services of this officer were lent to the Loharu State. He was recently on leave at his home in the State, but did not hold any official position there.

During the period of his leave the officer was drawing leave pay from the Punjab Government in the ordinary way.

ARREST OF ARJUN AND MAMRAJ OF CHEHAR KALAN.

***5181. Shrimati Lekhwati Jain :** Will the Honourable Finance Member be pleased to state—

- (a) the name of the *ilaga* magistrate of Bhiwani in August, 1935, when the wounded and killed at Singhani (in Loharu State) were brought to Bhiwani ;
- (b) whether it is a fact that the *ilaga* magistrate circulated a letter to the sub-inspectors of Bhiwani tahsil with the result that the sub-inspectors in question prohibited the entry of Loharu State people into British territory and ejected some of those who had entered ;
- (c) whether it is a fact that one Shafaquddin, foot-constable, of police station, Hissar, arrested Arjun and Mamraj of Chehar Kalan (Loharu State) on 10th August, 1935, or thereabout at Hissar and sent them to the thana without any warrant of arrest against them ;

[Shri Lekhwati Jain.]

- (d) whether it is a fact that the said Arjun and Mamraj were kept in custody for one night and then let off ;
- (e) whether it is a fact that the district superintendent of police in charge was consulted in regard to their arrests and he approved the same ;
- (f) if so, what was the justification for these arrests ;
- (g) whether any action has been taken against the constable concerned for his action in the matter ;
- (h) whether it is a fact that the Loharu Durbar paid any expenses consequent on the treatment and stay of the injured Loharu subjects at Bhiwani and Hissar hospitals ; if so, what was the amount credited to the said hospitals for such treatment and stay ?

The Honourable Mr. D. J. Boyd : I regret that the answer to this question is not yet ready.

SHORT NOTICE QUESTION AND ANSWER.

VERNACULAR PRESS AND FALSE AND MALICIOUS NEWS.

Guru Jaswant Singh : Will the Honourable Finance Member be pleased to state—

- (a) whether an article "*Partap Singh, Deputy Commissioner, Lahore, kis tarah Musalmanon ka gala ghunt raha hai*" appearing in the *Shaukat* published from Lahore, dated the 27th November, 1935, has come to the notice of the Government ;
- (b) if so, whether any such order has been actually issued by the Deputy Commissioner, Lahore ;
- (c) if not, what action the Government intends to take against the editor of the said paper for spreading false and malicious news ?

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

(b) No.

(c) Government have the matter under consideration.

ADJOURNMENT MOTION.

ASSAULT ON BAWA JIWAN SINGH.

Mr. President : I have received the following notice from Sardar Bishen Singh :—

" I hereby give notice of a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the situation created by the dastardly and murderous assault on Bawa Jiwan Singh on the 26th instant in Lahore, and to urge upon the Government to take necessary steps to ensure safety of life and property in the province."

I consider it in order. Is there any objection to this motion ?

(There was no objection.)

The leave is granted and the motion will be taken up and discussed at 2-30 P. M. to-morrow and after the conclusion of the motion, the ordinary business of the day will be taken up.

THE PUNJAB DEBTORS' PROTECTION BILL.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): The amendment that I move is the same which I proposed the other day—

That in clause 11, after sub-clause (i) (b), the following proviso be added:—

“ Provided that in calculating the said period of six years, the time spent in deciding objections to attachment or sale of the property in any court, and in suits to establish a claim to, or charge upon, or right in attached property or property claimed to be that of judgment-debtor, and in appeals from all these proceedings, the time during which a decree-holder has been prevented from executing his decree by a decree or order of any court and the time during which a judgment-debtor has been absent from British India and the time spent in adjudicating upon a false plea of payment made in execution proceedings shall be excluded. ”

Mr. President : Clause under consideration, amendment moved—

That in clause 11, after sub-clause (i) (b), the following proviso be added:—

“ Provided that in calculating the said period of six years, the time spent in deciding objections to attachment or sale of the property in any court, and in suits to establish a claim to, or charge upon, or right in attached property or property claimed to be that of judgment-debtor, and in appeals from all these proceedings, the time during which a decree-holder has been prevented from executing his decree by a decree or order of any court and the time during which a judgment-debtor has been absent from British India and the time spent in adjudicating upon a false plea of payment made in execution proceedings shall be excluded. ”

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): So far as this amendment is concerned, I must make it clear, as is apparent from the very reading of it that it makes no less than five exceptions to the clause which is under discussion. In the first place it takes away the time spent in deciding objections; in the second place, the time spent in suits to establish claims; in the third place, time spent in appeals from all these proceedings; fourthly, time during which judgment-debtor has been absent from British India and lastly, the time spent in adjudicating upon a false plea. The very perusal of this clause shows that the whole object of the section which we are now discussing is marred if we accept this amendment. As a matter of principle it was proposed that six years should be henceforth the period of limitation instead of twelve, and in order to avoid any sort of discussion or to exclude the possibility of any disagreement we adopted in the select committee the language of section 48 of the Code of Civil Procedure. My first objection to this amendment is that it is unnecessary, for the only change that is made in the section is to substitute six years for twelve. There are no exceptions in section 48 itself, or the clause which is proposed in the Bill and there is no reason why we should in this way limit the scope of the clause. If we accept this amendment there is no relief whatsoever under this clause. What was felt by those who are in favour of the Bill was that the period should be reduced to six years for the simple reason that the so-called sword of Damocles might not hang on the judgment-debtor for more than six years. If we accept this amendment the whole object is gone and in one way or other we give the decree-holder the same twelve years in spite of the fact that we adopt the clause as it stands in the Bill. While arguing in favour of the amendment my honourable friend has not taken into consideration the other side of the picture. He said that false objections would be brought forward. If they failed, he said, declaratory suits would be instituted and appeals in those suits would also be instituted

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and in that way the judgment-debtor would go on for more than six or seven years and therefore he urged that the whole clause should be excluded. My argument is that if people are set up at the instance of the decree-holder or in collusion with the decree-holder to keep alive the decree for so many years, where will the judgment-debtor go? There can be frivolous objections on both sides and not only on one side. The decree-holders are in a better position to buy people than the poor judgment-debtors. We should avoid the situation. By the insertion of this provision we would be simply helping the decree to be kept alive for even more than twelve years, and on that ground alone I would submit that this amendment must not be accepted.

Another reason which was given by the honourable member was that the omission of sub-rule (3) of rule 2 of Order 21 of the Civil Procedure Code had brought in such a situation that this provision should be made. The very words of the rule show that this contingency does not arise. According to Order 21, Rule 2, the liability is placed on the decree-holder to get certified the adjustment or receipt of any money which he receives outside the court during the course of execution proceedings. Sub-rule (2) provides that if he does not get it certified as provided, the judgment-debtor *may* get it certified. In the case of the decree-holder it is "shall" and in the case of the judgment-debtor it is "may." So the liability which the law places is on the decree-holder and if he does not discharge that liability I do not see the reason why the poor judgment-debtor should suffer for that. Sub-clause (3) only says that a payment or adjustment which has not been certified or recorded as aforesaid shall not be recognized by any court executing the decree. We have omitted only this penal clause on the principle that the judgment-debtor should not in any way suffer for the sin or neglect of duty of the decree-holder. This thing has nothing to do so far as the period of execution or the time during which it is to be kept alive is concerned. It was only to correct the law on that principle that that clause of the Civil Procedure Code was omitted by the Relief of Indebtedness Act.

Another thing which I want to put before the House is that this thing has been omitted on principles of justice, equity and good conscience as well. Nothing abnormal has happened which should give the honourable mover of the amendment and his supporters a cause to argue that unless this amendment is adopted the rights and interests of the decree-holder are not safe. It was said that the time which is spent in appeal or in suits in which injunctions are issued to a civil court to stop the execution of a decree should also be excluded. I do not understand the logic of that. An appellate court only issues an injunction to an execution court when it is satisfied that there is some sort of injustice going on or if there is some fraud or some unfair thing happening. Having gone into that matter when they issue notice to either of the parties asking why the injunction should not be issued, they give the party the chance of representing his case before the appellate court. I do not see any reason why, after a careful consideration of both sides, when an injunction is issued the time spent or the period during which the decree has been stayed should be excluded. After all, the appellate courts are not unaware of the principles of justice, equity and good conscience; they have them in view. The other day I gave an instance of my own district in which in a case the lower court during the course of execution

proceedings ordered a judgment-debtor to bring his two hundred heads of cattle to the district headquarters from a place at a distance of about one hundred miles. The man went in appeal and the district judge stayed the proceedings and issued a notice on that man to show cause why the application should not be accepted. The difficulty was that the trial court was, without imputing any motive, I should say, one way or the other bringing the man within the scope of the words "contumaciously avoiding" and unless that man went to the appellate court he could not have had any relief under the circumstances. So an order passed by the appellate court in such cases is not without rhyme or reason. And I do not see any reason why we should exclude the time during which an injunction is issued to stay the execution proceedings. I submit that there is nothing in the original section of the Civil Procedure Code which has not been bodily adopted in this clause and I do not therefore see any reason why this amendment should be accepted.

Shrimati Lekhwati Jain (North-East Towns, non-Muhammadan, Urban) (*Urdu*): While supporting the amendment moved by the Honourable Member for Industries I would like to point out to him that before insisting on the time limit being fixed at six years he should see whether the sahuakar, under the existing law or the law that is being enacted, will be able to realize his old debts. If there is no remedy available to the sahuakar, why should the honourable member bother about limitation? When the sahuakar cannot realize his debts within one, two or six years where is the need to worry about the time limit? The sahuakar is left entirely helpless in the matter. He cannot attach the landed property of his debtor. The standing crops and trees and even the cattle belonging to an agriculturist debtor are not liable to attachment in execution of a decree. How then is the sahuakar going to realize his debts? When the case is absolutely hopeless, why should we waste the time of the House in moving amendments which the opposite party will never see its way to agree to and which even if carried will not help the sahuakar to any extent? I would also like to say one word to Rao Bahadur Chaudhri Chhotu Ram. The honourable member knows that the sahuakar has now been left with no legal remedy whatsoever, and his debts have been practically wiped out. I therefore request him not to worry about the time limit whether it should be six or twelve years. Previously the sahuakar had a remote chance of having his decrees realized within twelve years. Now you are trying to deprive him even of that chance. The Chaudhri Sahib has achieved his real object and he should not therefore mind whether the time limit is six or twelve years. If the honourable Chaudhri Sahib and other members of his party agree to adopt some reasonable attitude, I am sure, it would not affect their Rao Bahadurship, Khan Bahadurship or Sardar Bahadurship or at any rate their personal dignity or honour. I therefore request them to take a reasonable view of things. If they are not prepared to do that, let us keep silence and refrain from wasting the time of the House. With these words I resume my seat.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): It has been very pertinently remarked by the last speaker, the lady member that when a section of the House is adopting an attitude of unjustified opposition to all reasonable attempts to bring this legislation in conformity with reason

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and sound sense and is relying solely upon the number of its votes to defeat our proposals whether it is not entirely futile on the part of some of us to waste our time as well as the time of other members of the House by making speeches on the various sections of the Bill. There is a great deal to be said for that point of view, but as long as we do not decide to follow that course as a party and as long as we come to the House to take part in its deliberations it is our duty to place before the House our point of view, and although repeatedly we have been taunted by the representatives of debtor classes for wasting our breath and efforts, I think it is necessary that the point of view of common sense and fairness should be placed before the House, so that if not this House, at any rate the future generations might not be under the impression that reasonable points of view were not placed before the House.

My friend, Chaudhri Riasat Ali, stated that he did not see any logic in excluding the time during which another court had actually by an injunction, that is, by an order prevented the decree-holder from executing his decree. I had pointed out yesterday in my speech when moving the amendment that it is usual for a number of declaratory suits to be filed as soon as the property of a judgment-debtor is attached. And, as soon as a declaratory suit is filed, the court is moved to issue an injunction preventing the decree-holder from executing the decree. And one suit coupled with its appeal does take on an average at least three years, if not more. I put it to the lawyer members of the House, Chaudhri Chhotu Ram himself and the honourable the Legal Remembrancer if they would be prepared to contradict my statement that a declaratory suit along with the appeals which may be preferred from them does or does not take on an average three years or more in this province. I am stating a period of time on the lowest estimate. Supposing I obtain a decree, and I obtain a decree not against a member of the statutory agricultural tribe but against another Hindu. Honourable members are aware that amongst Hindus these suits are more frequent than they are amongst the members of agricultural tribes. My friend from Amritsar, Shaikh Muhammad Sadiq, knows that in Amritsar Hindu judgment-debtors specialise in litigation which is carried on to "dodge" the decree-holder, and it is a very frequent feature in courts. The argument is seriously advanced in this House, that even if a decree-holder who has been ordered by an injunction from the High Court or from another court not to proceed with the execution of decree and those injunctions continue for a period of six years, and his entire period of limitation thus expires, he is not to be given any relief and his decree is to be allowed to be nullified in this way. Is not this clause calculated and likely to encourage the dishonest judgment-debtors to delay execution proceedings much longer than they do at present? The House is familiar with what usually happens in courts. Take one of the most frequent cases. A creditor brings a suit, say for Rs. 50,000 against a person who has got property worth two lakhs. As soon as he is aware that a suit is brought he raises all kinds of false pleas. After two years a decree is passed. Then he appeals. During the pendency of the appeal, or shortly before the decree, he would alienate his property in the name of his son or some other relation. The appellate court confirms the decree. What is under the law the remedy

of the poor decree-holder, whose claim has been decreed, but whose debtor has thus made a fraudulent transfer of his entire property in favour of one of his relations? He cannot execute his decree. Before he can attach the property, the decree-holder must file a suit to get that alienation set aside, on the ground that that alienation is fictitious and effected with a view to defraud the creditors, the alienation which has been made during the pendency of suit or the appeal, or immediately preceding the suit. The decree-holder must bring a suit to get the alienation set aside before he can proceed against the property, howsoever obvious and strong his case may be for setting aside the alienation. The suit must take its usual course and this suit will ordinarily take three years and ultimately the decree-holder will succeed. It cannot be decided in one or two months. It has to be decided according to the Civil Procedure Code, and the Evidence Act. Is it not proper to exclude this time, when you are reducing the period of limitation? In asking this House to accept my amendment I have only put in the clause a claim for exemption of time where the delay has been caused or time spent in obstructive tactics of the judgment-debtor, for instance, the time which has been spent in deciding objections in attachment proceedings, then suits which arise out of attachment proceedings and then appeals which arise out of those suits. My learned friend suggested that I had put in five exemptions. I have really put in three only. The objections to attachment, the suits arising out of the attachment proceedings and the appeals therefrom, are really one and the same proceedings. The second is where an injunction has been issued. The third is where a false plea of payment has been put forward. I have not proposed the exemption of time taken when a plea of payment is put forward and is found to be correct. I have only claimed that where a plea of payment has been put forward and has been found to be false, a plea which under the Civil Procedure Code cannot be inquired into because no court of execution could take note of a payment which had not been certified, but which has now to be done under the Punjab Relief of Indebtedness Act which amended the Civil Procedure Code for the Punjab. May I bring to the notice of the House that during the select committee proceedings in connection with the last Bill—the Relief of Indebtedness Act—this proposal was put forward and at that time I suggested that if the period of limitation is to be reduced, then exemptions on the lines of my amendment will have to be made and I have a distinct recollection that Chaudhri Chhotu Ram agreed that my suggestion was very fair, and should be given effect to? But it appears that he has gone back on that, or is it a price which he has exacted for accepting the Government amendment? As a matter of fact the amendment which was moved by the Government was not in any way contradictory to and did not come into any conflict with my amendment. The amendments were complimentary and not alternative. My amendment should be there in any case whether the Government's amendment was accepted or not. If this amendment is not accepted, the effect will be that in most of the decrees against persons who are governed by Hindu law they will be prevented from proceeding against the property of the judgment-debtor.

The Honourable Mr. D. J. Boyd : This section deals with debtors only.

Rai Bahadur Mr. Mukand Lal Puri : I must thank the Honourable Finance Member for drawing my attention to the fact that this section deals with debtors only as defined in the Indebtedness Act. But it does not make any difference to my argument.

With respect to debtors as defined in the Punjab Relief of Indebtedness Act it is equally known to Rao Bahadur Chaudhri Chhotu Ram that declaratory suits are by no means uncommon amongst agriculturists. As soon as a decree is obtained against a debtor or more frequently as soon as a suit is threatened or contemplated the debtor alienates all or a major portion of his property to his relatives either gratuitously or for nominal consideration. These tactics are equally frequent amongst agriculturists as among non-agriculturists. Again declaratory suits for dower and maintenance are equally frequent amongst the agriculturists as amongst the propertied classes who follow Hindu law. This shortening of the period of litigation is, as I have submitted, an inducement to those people to multiply their dilatory tactics. Its effect on the morality of the judgment-debtor is obvious. But apart from this it is very sad that the period of limitation for execution of decrees should be halved and the House should not even make any exemption for time wasted by the dilatory tactics of the judgment-debtor. This, I submit, is not justified by any considerations of fair play nor is it dictated by any considerations of preventing harassment of the judgment-debtor.

Mr. President : The question is—

In clause 11, after sub-clause (1) (b), the following proviso be added :—

“ Provided that in calculating the said period of six years, the time spent in deciding objections to attachment or sale of the property in any court, and in suits to establish a claim to, or charge upon, or right in attached property or property claimed to be that of judgment-debtor, and in appeals from all these proceedings, the time during which a decree-holder has been prevented from executing his decree by a decree or order of any court and the time during which a judgment-debtor has been absent from British India and the time spent in adjudicating upon false plea of payment made in execution proceedings shall be excluded. ”

The motion was lost.

Mr. President : The question is—

That clause 11 as amended stand part of the Bill.

Rai Bahadur Mr. Mukand Lal Puri : I crave the indulgence of the House for a few minutes more to offer certain remarks in respect to this clause. If I were not convinced as a lawyer and as a person fairly familiar with civil litigation in this province that this reduction of the period of limitation would be detrimental to the administration of justice and is calculated to increase the abuse of process of court I would not waste another word over the clause, knowing as I do the attitude of the persons responsible for this Bill. I wish to assert emphatically that in enacting this clause, the House is entirely ignoring the sad experience which every lawyer, judge and litigant has of the well known dilatory tactics of judgment-debtors in this province. It is a remarkable fact that legislation with respect to relief of indebtedness has taken place in many provinces in India, but no province has so far thought of reducing this period of limitation for execution of decrees, a period of limitation which is in consonance with English law and which is allowed in every other province in India and even in Native

States. In fact when it is found that this period has been curtailed by the usual dilatory tactics of judgment-debtors, the courts are anxious to help the judgment-debtors and revision petitions are accepted by the High Court liberally from dismissal in default of application for execution which are twelve years old. In this connection I would like the House to take note of what the expert advice on this matter is. With respect to clause 7—the clause now under consideration was clause 7 of the original Bill,—it will be found that not a single judge of the High Court has expressed any opinion in its favour. Just read the opinions on pages 1 to 3 of this printed list of opinions which relate to the opinions of the High Court judges and which have frequently been referred to. Excepting for a few judges who are discreetly silent over this clause all others have expressed an opinion distinctly and emphatically against this clause. They have condemned this section in no uncertain language. Honourable Mr. Justice Beckett gives his opinion in two lines and says that he cannot see any justification for section 7. Honourable Mr. Justice Currie who also expresses a brief opinion says, "I am strongly opposed to section 7 of the enactment which would merely set a premium on dilatory tactics which are already only too prevalent in execution proceedings." Again Honourable Mr. Justice Skemp with respect to this provision says, "Why reduce limitation for execution of decrees, unless you want to favour borrowers in every possible way?" Honourable Mr. Justice Monroe says, "Section 7 is unnecessary and unfair." The two senior judges who have not expressed any opinion in detail, but have confined to writing only a few lines, Honourable Mr. Justice Addison and Honourable Mr. Justice Coldstream, say that clause 7 is "unnecessary and will encourage obstructive procedure." Other judges have condemned the Bill wholesale. But the opinions I have just read out go to show that those opinions are based on the experience of these senior judges. The result of their experience is that this provision is unnecessary and will only lead to obstruction. In the light of these opinions and in the absence of any change in law in other provinces, what are the reasons which have induced the Punjab Government to accept this change in an all-India enactment like the Civil Procedure Code? I submit that the Punjab Government cannot be congratulated on its attitude. What was the opinion of the officials of the Punjab Government itself who would be affected by a provision of this type? The opinion, for instance, of the Registrar of Co-operative Societies who has got decrees of his own to execute against debtors as defined in the Punjab Relief of Indebtedness Act is that it would work hardship against creditors and the co-operative societies should be exempted from this provision. The Government has admitted that this provision is not salutary because it provides exemption from this provision for its co-operative societies. At the time of debate on the Relief of Indebtedness Bill I pointed out that there should be uniformity of legislation for all creditors and my reason was that this was the best safeguard against bad legislation, because Government had a credit machinery of its own. But I am very sorry to find that the Government entered into an understanding with Chaudhri Chhotu Ram to oppose my amendment, if Chaudhri Chhotu Ram did not oppose Government's amendment. And the result is that Government has saved its own credit institutions, the co-operative banks from the shorter period of limitation. What is sauce for the gander should be sauce for the goose. If the section is unfair,

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unnecessary or inequitable or wrong in principle, Government should oppose it in its entirety rather than save its own friends from its mischief. This is not playing the game. The co-operative societies in the Punjab are not at all affected by the argument of uniformity of law in other provinces and the possible danger to outsiders which has been so ably put forward by the Home Secretary. I therefore respectfully submit that in a matter like this, a matter which amends the Civil Procedure Code and which deals with a rule of limitation which is uniformly accepted in all the provinces of India, in a matter where the Punjab Government without any precedent is trying to embark on a path entirely different from other provinces and the United Kingdom, this House and particularly the Government should take note of the expert opinions which have been made available to it, I mean the opinions of the learned and senior judges of the High Court, and should not accept a change whose only effect is to encourage a perturbed dishonest judgment-debtor in his obstructive tactics.

The Honourable Mr. D. J. Boyd : May I ask a question of the last speaker through you, Sir? Where does he get his statement from that our co-operative societies will not be affected by this law? I have not studied the question, but I would be glad to be enlightened.

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Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I am sorry that my honourable friend has forgotten the volume of expert opinions which have been expressed in these two books in favour of passing this clause. He has only referred to one or two opinions. But the opinions of those people who have worked the various provisions in districts and who have been responsible for carrying on this machinery of law have been neglected by him as they do not suit his purpose. In this connection I would refer to opinion No. 16, of the Deputy Commissioner of Attock. He says with regard to clause 7 in one sentence, "I would have no objection to the reduction of the limitation for the execution of decrees to six years." The other is No. 19, opinion of the Deputy Commissioner, Shahpur. This is more important because the matter of principle involved is discussed there. He says, "It seems therefore that in tackling rural indebtedness the most that Government may hope to do towards ameliorating the situation is to prevent in future borrowing on the enormous scale which had become possible during the last 75 years" and he thinks that unless somehow we minimise the chances of the people recovering their debts the debtors will go on borrowing and therefore he suggests two means:—

(a) *the abolition of arrest for debt.* That measure has been passed. Credit is thereby curtailed.

(b) *the reduction in the life of a decree.* That measure is here proposed. Credit will thereby be further curtailed.

Here is the opinion of a person who has been not only a deputy commissioner of the district but who was also an officer in the High Court.

I next refer to opinion No. 20, that of the Deputy Commissioner, Rawalpindi. He says :

"This is a step towards the right direction as it will curtail litigation to great extent and will also save much time of the courts. It will also remove congestion in the district record rooms, where the files are kept for 12 years."

What do after all decree-holders get by unnecessary litigation? They spend a lot of money on court fees, citing of witnesses, engagement of lawyers and so on. And after they get a decree, in 95 cases out of 100 they do not get anything towards recovery of the debts. So unless we minimise these chances, I do not think there is any relief. The next important opinion is No. 45, which is not by a district officer, but from the Ferozepore District Board, which consists of representatives of people more than 40 or 50 in number, including lawyers and this opinion is given by the senior and junior vice-presidents, both of them lawyers as also the majority of members of the board. They say :

"This clause does not require much comment. The debtor who knows that all his earnings will be taken away by his creditor does not try to make himself a useful member of the society, therefore, it would be in the public interest to reduce the limitation for execution of decrees from 12 years to 6 years."

The next is the opinion of the Bar Association of Jullundur. They say :

"The curtailment of the period of limitation is essential to speed up execution work. The period of twelve years is too long and keeps both the parties in suspense for an unduly long time."

I need not go into further details and arguments. But I submit for the information of my honourable friend that here is the opinion of the Bar Association of Jullundur.

Rai Bahadur Mr. Mukand Lal Puri : In reply to the question put to me by the Honourable Finance Member whether co-operative societies are excluded from the purview of this Bill, I find that they are so excluded because section 7 of the Punjab Relief of Indebtedness Act which defines 'debts' excludes money due to co-operative societies from its purview and therefore co-operative societies are exempted.

The Honourable Mr. D. J. Boyd : I thank the honourable member for the explanation.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : Honourable members who are sitting on the other side and the Government have both forgotten that here in this Bill we are dealing with a person who has obtained a decree after incurring great expense and undergoing hardships and trials. He gets a decree after having passed all the tests laid down in the various regulations with regard to money-lending, the Usurious Loans Act, the Regulation of Accounts Act, the Relief of Indebtedness Act, the Debtors' Protection Act and so on. All these tests have been passed by the decree-holder and then the court grants the decree. Now it remains whether he is to be permitted to enjoy the fruits of that decree. That is the sole point and all abuses and harsh words said about money-lenders and his dishonest ways disappear when we know that he has satisfied all the conditions laid upon him by the laws which we have passed and has obtained his decree. Now if you want to pass this clause as the honourable leader of the Unionist party wants it, it practically means that the Government is a party to telling these people that we are with you in your dishonest efforts to deprive the honest decree-holder from getting the fruits of his decree. The Deputy Commissioner of Lyallpur says :

"I consider that the limit of 6 years laid down in section 7 is also far too short and I see no reason why the provisions of the present law should be interfered with. This provision is only meant to help the dishonest debtor."

[Mr. Nanak Chand Pandit.]

Those of us who practise in the civil courts know that as a matter of fact every day false claims are put in and are instigated by the judgment-debtors whether they belong to this class or that class. Unfortunately an impression has gone abroad that Government is at the back of the debtors and they may play fast and loose with the creditors in every possible way as Government would come to their rescue. Unfortunately this effort on the part of the Government themselves is bound to lead to a suspicion that even the honest decree-holder is not going to be protected in future. Therefore I entirely fail to see the reason which is behind the support given by the Government to such an obnoxious clause as the one which limits the execution of a decree from 12 to 6 years. As a matter of fact the law of 12 years has been fixed and laid down after full experience. It is not that that sort of law exists only in the Punjab. It exists all over India, not only in India but outside in the whole of British Empire and it is based on practical experience. Now we are rushing through a clause or a section of law and this action I may call is broad-day robbery. It is nothing short of broad-day robbery to tell people that they can be dishonest and they will have the sympathy not only of the unionist benches but also of the Government. I therefore strongly protest against this attitude adopted by the Government in giving help to people who are not prepared to pay honest debts. Therefore any effort on the part of the Government to encourage these dishonest people who will not honour the decrees given by the courts after a full investigation and, after all pleas of undue influence and so on have been gone through, is wrong. Now I will read the section relating to co-operative societies and other semi-government institutions, to show that this clause is not to be extended to them but only to an ordinary person who is unfortunate enough to trust a person and lend him money.

Section 7 of the Punjab Relief of Indebtedness Act runs :

- (1) "Debt" includes all liabilities of a debtor in cash or in kind, secured or unsecured, payable under a decree or order of a civil court or otherwise, whether mature or not, but shall not include debts incurred for the purposes of trade, arrears of wages, land revenue or anything recoverable as an arrear of land revenue or any debt which is barred by the law of limitation, or debts due to co-operative banks or to co-operative societies or to the Imperial Bank of India or to 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.
- (2) "Debtor" means a person who owes a debt and (1) 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,

and so on. So people come in here whether they are governed by Hindu or Muhammadan law. The only provision here with regard to a member of an agricultural tribe is :

" 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."

So let us be under no misapprehension that when we are legislating we are not legislating only for people who are governed by customary rules but we are legislating for Hindus, Muhammadans and others who come under the definition of debtor as given in the Punjab Relief of Indebtedness Act which was passed some time ago. It is absolutely clear and there can be no doubt that the Government feels that so far as it is concerned

or semi-government institutions are concerned, they shall not be governed by this limitation rule. It is those unfortunate people who belong to none of these bodies who are mentioned here and who happen to be creditors, whether they are lawyers or doctors or money-lenders or lenders of any kind or even firms or companies, who shall not be permitted to enjoy the fruits of their decree. This law is a lawless law. It is undoubtedly a law which encourages dishonesty, a law which will demoralise the province and I therefore submit to the Government that before giving its final sanction it should see what is the effect of a law of this kind on the morality of this province.

Kanwar Mamraj Singh Chohan (Ambala-cum-Simla, non-Muham-madan, Rural) (*Urdu*): I have stood up to oppose this clause. I must make it clear that I was in favour of this clause as it emerged from the select committee but I cannot lend my support to it in its amended form. I admit that fixing a time limit for the execution of a decree is very helpful to the debtor. I agree also that all classes of debtors stand to gain by the arrangement of fixing a time-limit. Even if a small *sahukar* has borrowed some money from a big *sahukar* or a small zamindar has borrowed money from a big zamindar or an agriculturist has borrowed money from an ordinary *sahukar* or, to take another instance, an artisan borrows some money from a capitalist, all classes of debtors will benefit alike by such a provision. But I have serious misgivings about the usefulness of the clause as it has been amended by the Government. I think far from being helpful it will create difficulties for the debtor. If the honourable Chaudhri Sahib, the member in charge of this Bill were to fix the limit at 6 years I would have supported him. But I cannot support a provision which makes a distinction between two brothers on the one hand and a father and a son on the other.

Pir Akbar Ali: After all you have had an occasion to oppose the clause.

Kanwar Mamraj Singh Chohan: The definition of a "debtor" embodied in the clause now before the House has been borrowed from the Relief of Indebtedness Act. But the definition has been borrowed only from one sub-section. As we all know 'debtor' is defined in sub-clause (2) and 'agriculturist' is defined in sub-clause (3) of the relevant clause of the Relief of Indebtedness Act. But in the proposed clause the definition of "debtor" has been borrowed from sub-clause (2) and the definition embodied in sub-clause (3) has been ignored. My submission is that the definition ought to have been borrowed from the Relief of Indebtedness Act in its entirety or not borrowed at all. It is ridiculous to follow an enactment in one instance and not in another. Before making a law for the public we should clearly set forth all its limitations. As the proposed clause stands, it is very difficult to know whether one has to take the dictionary meanings of the word 'debtor' or one has to follow its definition given in the Relief of Indebtedness Act. Then it is not clear if one has to take as correct the meaning of the debtor accepted in common parlance. The same is the case with the meaning of agriculture, what meaning is to be ascribed to it whether the one given in section 7 (3) of the Relief of Indebtedness Act or the ordinary English meaning. I think in an effort to facilitate the execution of decrees by fixing a time-limit the Government has achieved

[Kanwar Mamraj Singh Chohan.]

the opposite result of making the clause more complicated than it was before.

As I have already explained the period of limitation now proposed to be fixed for the execution of decrees will in no way help the debtors. Supposing a person has obtained a decree against a debtor for the possession of the property of the latter, I ask what period of limitation will apply to him, six years or 12 years? I am inclined to think that this provision goes much beyond the scope of this Bill and it will not help to relieve indebtedness which is the avowed object of this Bill and of other measures on this subject.

There is yet another point which I would like to bring to the notice of the House and which, I think, must be taken into consideration before voting on this clause one way or the other. We know that the decision of this question whether a person is a debtor or not for the purposes of this Bill has been left to the courts and not to the conciliation boards as in the Relief of Indebtedness Act. In many cases the debtors and even their creditors will not be sure whether such debtors have a right to benefit by the provisions of this Bill till the time the question arises before the court concerned and the issue is struck and a decision on the point is invited. This may happen any time after the period of six years when an application for the execution of a decree will be made and when such an application will be made, the debtor will claim in some court that he is a debtor for the purposes of this Bill. Then his claim will be opposed by his creditor and on the decision being given by the court in favour of the creditor or even debtor, the matter will come up in appeal and then in second appeal and in this way a long time will be taken to finally decide the question. This will certainly complicate matters. Even if we admit for the sake of argument that for the purposes of this Bill, the conciliation boards will not have to decide such questions and that their decision will not be final on this point, although there is no express provision in this Bill one way or the other, it will certainly take some time to decide this issue as the decision of the court is subject to appeal and second appeal. I have, therefore, no choice left but to oppose this clause.

Lala Bhagat Ram (Jullundur-cum-Ludhiana, non-Muhammadan, Rural) (*Urdu*): I rise to oppose the clause under consideration and in doing so I will only say that it will not be very difficult for a debtor to see that the proposed period of limitation, that is six years, expires before payment of debt can be claimed from him. In the first place he will raise any number of objections against the attachment or sale of his property in execution of decrees passed against him and on those objections being set aside, he will have declaratory suits filed in some court because such a suit will cost him only about Rs. 20 or Rs. 30 at the most. He will very gladly incur that expenditure to pass the period of six years and consequently to avoid payment of his debts. It will, therefore, be injustice pure and simple to enact this clause as it now stands. With these few words I oppose this clause and request the House to throw it out.

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General): I simply want to give the Leader of the Opposition an opportunity to

answer the point that I wish to advance and which has not been advanced by any one before. I wish to draw the attention of the honourable mover of the Bill to clause 5 and to point out that clause 5 is a novel thing in its character and makes a provision which never existed in the statute book at all. Therefore any litigation or any controversy or any dispute arising as a result of what has been embodied in clause 5 will be something new which does not exist at present in the experience of courts. Appeal to the collector, appeal to the commissioner that the size of the family has been over-estimated, appeal to the commissioner that larger area has been exempted from attachment and from temporary alienation than is absolutely necessary, appeal to the collector on points that the income of the son is sufficient and so forth all these points which never existed in the statute book before and which have been created for litigation for the first time by clause 5 are such that time should be allowed at any rate for litigation on these points. Time ought to be deducted from the period of limitation, time which is spent in adjudicating on these new matters. Mr. Puri's amendment covers a much larger area and wants provision to be made for litigation on many other points, but what I wish to point out to the House is this that the points of controversy now created by the Council itself on matters which are new on the statute book ought to be provided for.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): I will first reply to the objection raised by the honourable member, Diwan Bahadur Raja Narendra Nath. He says that the appeal to the commissioner is provided for the first time as a result of the present law, and that, therefore, at least the period of time which might be taken in the decision of an appeal to the commissioner ought to be excluded from the period of six years now fixed for the execution of decrees. I do not think there is any difference whatever between the position now and the position which existed before on principle. After all any time that is taken up in the decision of one kind of objection or in the decision of another kind of objection does not make any difference in principle. The only question before the House is whether a shortening of the period of execution from twelve to six years is or is not desirable. I explained before and I may repeat that explanation again that the object is to remove this sword of Damocles hanging over the head of the judgment-debtor as soon as possible. At present it takes a whole generation's time to remove this sword of Damocles and it is, therefore, desirable that the period of limitation should be fixed at six years because the present period is too long, far too long. The length of the present period induces indifference and apathy not only in the court and the judgment-debtor but also in the decree-holder. One effect of the shortening of the period of limitation for the execution of decrees will be that the decree-holder will be more earnest and more active in getting his decree realized than he has been so far. The courts will also be more vigilant and more energetic in execution work than they are at present. And the judgment-debtor will also try to pay as much as he can within these six years as a result of more rigorous proceedings.

I may turn my attention now to a few objections which were raised by the honourable member, Rai Bahadur Mukand Lal Puri. He made a reference to the opinions of certain eminent persons including the honourable

[R. B. Ch. Chhotu Ram.]

judges of the High Court. He has forgotten all along that the provision on which these officers expressed their opinion was very substantially different from the provision with which we are dealing at present. The points of difference are as follows. The original provision was retrospective in its effect. That retrospective effect has been done away with under the provision as it stands at present. Then, provision has been made for the execution of decrees beyond the period of six years in cases of fraud or force resorted to by the judgment-debtor. Again, the operation of Article 183 of the Limitation Act has also been saved. Again, under the original clause 7 there was no reference to any fresh application. Here what is prevented is the making of a fresh application after six years. If an application has already been made and is actually pending it can be carried on up to ten or, perhaps, even twelve years in exceptional cases. Suppose an application for the execution of a decree has been made after the expiry of five years and nine months. That application is within time. And while the original clause provided that execution proceedings will come to a close after a period of six years, under the provision as it stands at present there is no limit of time up to which these execution proceedings can continue. (*An honourable member* : Is that not practically the effect even now ? The honourable member knows it as a lawyer). Practically, as a lawyer, I know that execution applications can be continued for three, four or five years, after they have once been made. I beg to submit that the criticism to which the present clause was subjected by Mr. Puri has no longer any force.

The honourable member, Mr. Nanak Chand Pandit, said that the Unionists and the Government seemed to be forgetting that here we were dealing not with claims but with decrees. I do not think that either the Government or the Unionists forgot that they were dealing with decrees here. All the members representing the debtor classes know quite well that they are here dealing with decrees, and it was in order to provide against the harshness of the present unnecessarily long period of execution that this reduction was sought. In the clause as it stands at present the word "decree" has occurred as many as eight times, and if nothing else could wake up the Government or the zamindar members certainly this use of the word as many as eight times in the clause would remind them of it, and however dense, the honourable member, Pandit Nanak Chand, may think, the Government to be, Government is not likely to overlook the recurrence of the word as many as eight times in the clause.

The same honourable member contended that it was very harsh to deprive the decree-holder of the fruits of his decree. The period of limitation has nothing to do with depriving the decree-holder of the fruits of his decree. The only question is that instead of twelve years he has to depend upon six years for the execution of his decree, and the period of six years can be extended to nine or ten years by the continuation of proceedings under the last application. I think that the period is sufficiently long to secure all realizations which are possible. If realizations are entirely impossible, then it is useless to wait more than nine or ten years. Therefore I beg to submit that the shortening of the period is highly desirable.

and will really result in greater despatch, greater efficiency and greater energy on the part of both decree-holders and courts.

I may also say a few words with regard to the criticism offered by the honourable member Kanwar Mamraj Singh Chohan. He said that the law unfortunately has been made different for different persons. A limitation of six years will hold good in the case of a debtor as defined in the Punjab Relief of Indebtedness Act and a period of twelve years will apply in the case of those who do not fall under that definition of debtor. I am a little surprised at the change in his attitude. This amendment was moved by Government three days ago and when this amendment was moved my honourable friend did not rise to oppose it on the ground that a difference was being made between one set of judgment-debtors and another set of judgment-debtors. I do not know what has happened in between to bring about a change in his opinion. Of course, he is welcome to change his opinion; he has a perfect right to do so. But the time for opposing this invidious distinction as he calls it was when the amendment was first moved by Government. Again, I have not been able to understand whether he criticised the present amendment in the interests of judgment-debtors or in the interests of decree-holders, whether he wanted to safeguard the interests of judgment-debtors or those of the decree-holders. I have not been able to understand the object or motive of his opposition as clearly as I should like to.

Mr. President : The question is—

That clause 11 as amended stand part of the Bill.

The motion was carried.

Clause 12.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural) : I beg to move—

In clause 12 for the words following the word "unless" in line 7, the following words be substituted :—

"the consideration is acknowledged by a debtor in his own handwriting or has been endorsed by the registering officer acting under section 58 (1) (c) of the Indian Registration Act, 1908, as having been paid in his presence."

The amendment, as I shall show, is an improvement in the third stage of the original clause. If you refer to clause 8 of the original Bill the only exception you will find which was made in it was in the case of a receipt. And no exception was made in the case of documents which have been registered under the Indian Registration Act or in those cases in which the debtor himself has acknowledged the consideration. Clause 12 as it stands is surely an improvement on clause 6 inasmuch as the words following the word "him" and beginning from the word "unless" have been added. This amendment is surely an improvement on clause 12 as it emerges from the select committee inasmuch as the consideration acknowledged by a debtor in his own handwriting has also been included. According to clause 12, the only exception was in the case of documents which had sanctity on the ground of their being registered under the Indian Registration Act. Under this amendment another exception is made so that we have in a way toned down the so-called severity of the clause as it originally stood in clause 6 of the original Bill or in clause 12 of the Bill as it has come out of the select committee. I may remind the House that the law of the land at present

[K. S. Ch. Biasat Ali.]

is the same as the amendment seeks to make it. I invite reference to 102 Indian Cases, page 283, where it has been admitted that in the case of a registered document the onus of proving that it is without consideration is on the party alleging it. The presumption in such documents is that they are correct and that everything was explained to the party by the registrar. This is the principle repeated in 2 Lahore 149. My amendment seeks to enunciate the same principle and therefore it is in no way a departure from the present law. With regard to the second part which I have added now, that is the acknowledgment in his own handwriting of the consideration by the judgment-debtor, I would invite reference to 95 Indian Cases 25. It was there laid down that where the defendant admits having signed the acknowledgment in the plaintiff's account book the burden is on him to prove that the consideration, in this case it was grain, was not delivered. This means that I have in a way simplified or toned down the severity of the clause as it stood. With these words I move the amendment.

Mr. President : The question is—

In clause 12 for the words following the word "unless" in line 7, the following words be substituted :—

"The consideration is acknowledged by a debtor in his own handwriting or has been endorsed by the registering officer acting under section 58 (1) (c) of the Indian Registration Act, 1908, as having been paid in his presence."

The motion was carried.

Mr. President : The question is—

That clause 12 as amended stand part of the Bill.

Mr. J. D. Anderson (Legal Remembrancer): Last Tuesday there was a great slaughter of legal enactments in this House. So far as my memory serves me we destroyed section 58 of the Civil Procedure Code; we have knocked out large portions of the Indian Succession Act and we have interfered very considerably with both Muhammadan and Hindu law. The rather extraordinary feature of an extraordinary situation was that so far as my recollection serves, the honourable member who was mainly responsible for this slaughter did not realize what he was doing. He shut both eyes, fired both barrels and waited to see what game dropped from heaven. He thought he was only shooting at custom. As he has invited us to take part in the destruction of more law it is my duty to try to put before the House what I understand that law to be and what the effects of the proposed amendment may be. With your permission, I shall begin by reading to the House part of a statute. Section 102 of the Indian Evidence Act runs :

"The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

The second illustration to that section is as follows :—

"A sues B for money due on a bond. The execution of the bond is admitted but B says that it was obtained by fraud which A denies. If no evidence were given on either side A would succeed as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B."

There are other enactments which deal with negotiable instruments, but I think it would be simpler if I confine my argument to the Indian Evidence Act. That is the law of British India and it has been the law ever since

1872 when the Act was passed. I place emphasis on this date, since I have heard it said that there has been a change in the law, and in support of that proposition my attention has been directed to two judgments—one of the old Chief Court of this province and the other of our present High Court. The judgment of the Chief Court is commonly quoted as 17 P. R. 1888. Before I discuss this judgment I must remind the House that the head note of a judgment is no part of the judgment. It has not been of necessity drafted by the honourable judges and it is wrong, it is a sin in a lawyer to quote a head note, and also, to mistake the obvious fact that the judges are not the makers of law. They are the interpreters of law. It is their business to apply the law to the particular set of facts which they find is before them. Now in P. R. 17 of 1888 a certain mortgagee sued on the last day of limitation on the basis of a registered mortgage deed for possession of the mortgaged property. The mortgagor defendants resisted the suit on the two grounds that execution was not proved and that there had been no consideration. In the lower appellate court the judge placed the initial onus of proving that there had been no consideration on the defendants. One of the matters before the honourable judges of the Chief Court was whether the onus had been rightly placed. They held that in face of the registered mortgage deed once execution was proved the initial onus of proving that there had been no consideration was on the defendants who had set up the plea. They went on to hold that the defendants had discharged the onus. In the event they accepted the appeal and dismissed the suit. I ask the House to realize that the question was—"in the presence of a registered mortgage deed, on whom does the onus lie?" That was the matter which the honourable judges had to decide. That was the matter which they decided and in making their decision nowhere did they vary and nowhere did they depart from section 102 of the Indian Evidence Act.

I come now to the ruling commonly quoted as 6 Lahore 470. In that trial the matter which was before the Honourable Judges was when an unregistered document is before the court and its execution has been proved, on whom lies the initial onus of proving or disproving consideration? The honourable judges referred to the Indian Evidence Act. They referred also to the rulings of other high courts of India and particularly the view which had been consistently taken by the Allahabad High Court, and they found that there was no distinction in principle between a registered and an unregistered document, and that the initial onus was on the party which set up the plea of want of consideration. They found that the earlier ruling of the Chief Court 17 P. R. of 1888, was quoted before them as an authority for the proposition that if an execution of an unregistered deed was proved the onus of proving consideration was on the party which claimed consideration. The honourable judges pointed out that in 1888 the document before their predecessors had been a registered document. No question of the effect of an unregistered document on the onus of proof was before the judges in 1888 from which followed of necessity that any remarks which the judges in 1888 may have made about unregistered documents were not binding on the courts and were no more than *obiter dicta*. There has, I submit, been no change whatever in the law. We have the Indian Evidence Act of 1872, we have the judgment of 1888 so

[Mr. J. D. Anderson.]

far as it is authority for the onus of proof in certain circumstances only and we have the judgment of 6 Lahore which is the authority for the initial onus in other circumstances.

Now, to a limited extent and with respect to certain persons only, the honourable mover of the Bill has invited the House to change the initial onus. I think that the mere reading of section 102 shows that to make a change of this kind is a very serious matter. You are hitting not an isolated fragment of the law but one of the great basic principles on which the law is built. There must be very sound reason, I submit, before the House can even contemplate the making of so great a change.

I am not at all sure that my honourable friend is not confusing to some extent the onus of proof with the quantum of proof. The onus of proof is a matter which is determined by law. If a party asserts any proposition,—take a simple proposition “Red is blue”—the initial onus is determined by the law of the land, which places it on the party which makes the assertion,—which would fail if no evidence at all were led. But, the quantum of proof—the amount of evidence which is necessary to establish any particular fact—is a different thing, and it is a thing which is entirely within the discretion of the judge. It cannot be determined by a legal enactment. One judge would hold that the statement of a single witness was sufficient to prove the proposition, while another judge would hold that 2,000 documents supported by 10,000 witnesses were not sufficient. It is a matter entirely within the discretion of a judge.

In the course of the debates on this Bill my honourable friend and his supporters have on a number of occasions referred to the atmosphere of the courts. I do not think that any one has gone so far as to suggest that the courts are definitely corrupt, but we have heard about the atmosphere of the courts and that the scales of justice are in the present circumstances weighed down in favour of the creditor and against the debtor. If that is so, let us consider what I have been saying about the quantum of proof, what bearing that has on this particular clause—the burden of proving that any consideration required to have been proved should be on the plaintiff. He can no longer rely on section 102 of the Indian Evidence Act. He has got to prove consideration. The obvious way for him to do it is by putting in the box one marginal witness. This witness is bound in the nature of things to uphold whatever is written in the bond—“that the debtor admits payment” or that “in my presence so many hundreds of rupees were paid.” But the thing is too easy. He has only got to lead a single witness, if the prejudice of the court is against the debtor, and if the prejudice of the court is not against the debtor there is no need whatever for the proposed enactment. The partial court accepts the statement of this one witness. The decree is passed exactly as it would have been passed in the present circumstances and the only difference which I can see which will be brought about by this enactment is that the unfortunate debtor will be burdened with a few more costs. I do not myself know whether this is really a sufficient reason for changing a fundamental principle of law.

Now there is another point which I would like to bring forward. Another very ancient, basic, fundamental, legal principle is that before the law all men are equal. I daresay that the lawyer members of this House will remember a succession of judgments in which various courts held that honorary magistrates, policemen, zaildars and lambardars were not witnesses worthy of credence, because of their connection with Government and because they would be desirous of pleasing the Government even at the expense of truth. In the spring of this year a Divisional Bench of the High Court of which one member was the Honourable Chief Justice brought out a ruling that this decision did not embody any correct legal principle. If all witnesses are equal in the eyes of law, you cannot judge a man, you cannot condemn him as a liar because he is a member of any particular class. But in this clause we have money-lenders subject to a different treatment from that which is given to all other classes of His Majesty's subjects. Here again we want very cogent reasons indeed, I venture to suggest, before we deviate in the administration of justice from the well-established principles of law.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : In clause 12 it is proposed to place the burden of proof in respect of consideration on a money-lender. It is intended that the burden of proving consideration even in the case of a registered document should be upon the money-lender unless money has actually been paid in the presence of the registering officer. Further, if the money is acknowledged by the debtor in his own handwriting then also no further proof should be necessary. If, however, neither of these conditions is fulfilled then it should be for the money-lender to prove that the consideration which he asserts he has paid has actually been paid. That is a perfectly reasonable and justifiable proposition. Unless the money has been paid in the presence of the registering officer or it has been acknowledged by a debtor in his own handwriting there is no reason why the debtor should have to prove that he had not received consideration of a particular bond or other document. Now, it has been said that if execution is proved then it is for the person who admits execution of the document to prove that any consideration evidenced by that document has not been paid to him. If the wording of the present amendment is studied with a little care and reflection it will be obvious that this amendment does not cover the cases of all debtors. It covers only those transactions which take place between money-lenders and persons belonging to illiterate classes. If a man is literate and acknowledges receipt of consideration in his own handwriting then he has to prove that no consideration was paid to him whether he is an agriculturist, or a village artisan or a shopkeeper. But is it unreasonable to expect that the money-lender himself should prove the passing of consideration in the case of a person who is quite illiterate? I, for one, think it is perfectly reasonable. The Honourable Legal Remembrancer has made a reference to section 102 of the Evidence Act. But that very Act contains another section which says that the burden of proof of a statement or assertion is upon the person who makes it. The money-lender goes into court and says that he paid so much money to a particular debtor. Is it or is it not reasonable to expect that man ordinarily to prove payment if the same is denied by the debtor? Again, there is a well understood principle that a negative proposition

[R. B. Ch. Chhotu Ram.]

being extremely difficult to prove, perhaps even impossible in some cases, the burden of proof should be upon the person who makes a positive statement and not upon the person who simply negatives it. If a debtor comes into court and says in reply to the claim of the money-lender that he did not receive the consideration entered in the bond or *bahi* it is perfectly reasonable to expect the plaintiff to prove his statement. It is surely unreasonable to expect the man who simply says "no" to prove his negative statement. Again, while the Honourable Legal Remembrancer has made a reference to section 102 of the Indian Evidence Act, he has overlooked section 114 of the same Act. It is no use quibbling or attaching too much importance to technicalities of law. On the one hand you have the actual experience of so many people in this country. On the other you have the technicality of law. Is it or is it not the experience of almost 99 per cent. of the honourable members even in this House—(An honourable member: No). Even before the honourable member has heard what I am going to say he cries "no," I cannot attach any value to such a "no." I was submitting that the usual experience of the average people in this province is that a person who cannot read or write, usually puts his thumb-impression to an entry without any knowledge of its contents. Yet, if the thumb-impression is admitted the execution is held to be admitted by the court. If the thumb-impression is denied then it is sent for purposes of comparison to Phillaur, and if the expert says that the thumb-impression agrees with the sample thumb-impression then the execution is held to have been proved and the debtor is asked to prove that he did not receive the consideration.

The Honourable Dr. Sir Gokul Chand Narang: Is that so in every case?

Rao Bahadur Chaudhri Chhotu Ram: Yes, that is the usual practice in all courts.

The Honourable Dr. Sir Gokul Chand Narang: No.

Rao Bahadur Chaudhri Chhotu Ram: The Honourable Minister has been out of touch with courts for six years. I wonder whether he was ever in touch with ordinary simple money suits in subordinate courts. Anyway the usual experience of people who practice in original courts is that if the opinion of the Phillaur expert is to the effect that the thumb-impression on the *bahi* or on a bond corresponds with the impression on a sample paper, then courts hold execution to be proved, and it is, then, for the debtor to prove that he did not receive consideration. As soon as the court receives the opinion of the Phillaur expert that the two thumb-impressions are of the same person the court asks the debtor to prove that he did not receive consideration. (An honourable member: No, no). The honourable member knows nothing of what happens in district courts. But the usual experience of mofussil lawyers is what I have stated. Is it fair, is it reasonable to expect a debtor to prove that he did not receive consideration if he merely admits that he put his thumb-impression on a particular document? I beg to submit that under section 114 of the Indian Evidence Act the presumption should be in accordance with the usual experience of those concerned in these matters. The usual experience of every average Punjabi is that an illiterate person puts his thumb-impression to a document without knowing

its contents. He is never told that he has been advanced so much money. He may be advanced only Rs. 200 and yet the document may mention Rs. 1,000 or even Rs. 2,000 or Rs. 5,000 as having been advanced. Even if he is told the contents of the document he will not be informed of the correct figure that is entered. Therefore it is only fair that the law should be brought into conformity with the ordinary and usual practice of the province and the daily experience of those who are in the best position to know. It is in order to safeguard the interests of illiterate borrowers against the operation of the technicalities of law divorced from the realities of life that this provision has been put forward. The usual practice before 1923 was exactly what has been reproduced in this provision. But the contention of the Honourable Legal Remembrancer is that that practice was not in accordance with correct law. My answer to his contention is that if that practice offended against the exact technical law on the subject, here is an opportunity for him to help us to enact a provision which will be more in consonance with actual experience of people than was the case before. After all law is, or at least ought to be, the instrument of promoting the welfare of the people, and technicalities of law should not be allowed to be so used as to oppress the people who do not know how to safeguard their own interests. With these words, I appeal to the Government benches and also all the members of this House to see that this provision is passed into law. (*Applause*).

Mr. J. D. Anderson : May I request the honourable member to read section 114 of the Indian Evidence Act to the House? It is possible that certain members do not know the Indian Evidence Act by heart and I hope he will have the goodness to read the illustration (c) to that section.

Mr. President : If the honourable member passes on the book to the Secretary he will read the section as well as illustration (c) to the House.

Assistant Secretary (in the absence of the Secretary) read section 114 of the Indian Evidence Act and its illustration (c) as follows—

“ The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case.”

Illustration (c) says—

The court may presume that a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration.

(Honourable members : Please read further on under illustration (c))—

But the court shall also have regard to such facts as the following, in considering whether such maxims do or do not apply to the particular case before it—

As to illustration (c)-A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

Khan Bahadur Malik Zaman Mehdi Khan (Sheikhupura, Muhammadan, Rural) : The Honourable Legal Remembrancer made a statement to the effect that the clause under consideration creates a very extraordinary situation. But I think it is to be borne in mind that obstinate diseases demand drastic treatment. In fact a great mistake has been made by this Government from the very beginning. It has taken no notice of the requirements of the people of this country. The law which was suitable

[K. B. Malik Zaman Mehdi Khan.]

to or was suited for the temper or needs of the people of England was practically transported and applied to this country. There this Evidence Act is a very good law because there the people are literate and when they execute a document they know what they are doing, while here the circumstances are different. Most of the people with whom the *sabukars* or the *shylocks* who want their pound of flesh deal are absolutely ignorant of the language and the law. Secondly, the script in which the entries are made in *bahis* (account books) is Greek to these people, not only to these people but also to us who are B.As. They are absolutely ignorant of the script which varies in different districts or localities. I know of a case which happened in the nineties of the last century as it took place in my district. This was an entry relating to ginger root which is called "sund," which was worth only a pice or two. But after the lapse of some years, when the money-lender asked the zamindar for the repayment of his sum, the latter said he did not remember it. "You don't remember, you have taken a 'sunda' from me," meaning thereby a buffalo, as *sunda* and *sund* are written exactly the same way. The case went up to the court and it was decreed against him, probably for several hundred rupees and in the execution of that decree the well he owned was attached and sold. So we have to deal with such people who are very clever on the one hand and with the debtors who are ignorant on the other. Many agencies are employed by the money-lenders to secure thumb-impressions of simple and ignorant peasants. Sometimes thumb-impressions are taken by the *patwaris* or the police, or civil peons, who say here is the summons, will you put your thumb-impression here? I have got in my possession some blank sheets which I came by during the course of my official career which show that thumb-impressions are taken not only on entries but also on blank pages. I show them to you just for illustration. Therefore it is absolutely necessary that the onus of proof in such cases should be on the person who makes an assertion that he has paid such and such amount. I think generally the civil courts in this country—though I have not been in touch with them for over 20 years—do not frame issues in a negative form—there may probably be orders of the High Court on the matter too. The onus should be on the money-lender who says that he has advanced so much money to a debtor, and who is in possession of the account books. It is well nigh impossible for an ignorant peasant to prove that he did not receive the consideration. I therefore support clause 12.

Chaudhri Allah Dad Khan (Ambala Division, North-East, Muhamadan, Rural): There is no doubt that the interpretation of law by the Honourable Legal Remembrancer is right. According to section 102 the burden of proof lies on the party who would fail if no proof were given there. But I say too much importance has been attached to it by him and those people who are acquainted with these things know it. The excesses of money-lenders are well known. They advance Rs. 50 and then a zero is added making it Rs. 500. There was a case in Ambala when Sir John (then Mr. H. J.) Maynard was the Deputy Commissioner and he detected it. He found at once that a zero had been added, as it was in a different ink. But the money-lender was adamant and in spite of attempts at conciliation, settlement was not reached between the

parties. The result was that the case went to the court and the man was sent to jail for two years. There are hundreds of such examples. So, in such cases you should make an exception. When we know that so many tricks are played, this Council must make an exception in the case of section 102. Of course it is undeniable that in the case which he has quoted this view was held in 1888. But views are often changed and there is no reason why this Council cannot make a change in what he called basic principle. Basic principles will of course apply to all cases in which there is no room for doubt. But when we know that there are such cases where dishonest means are adopted, when we know that money-lenders go to the villages and ask the man to put his thumb-impression on the settled account they themselves entering an amount afterwards as having been borrowed by them on that very day or as having remained in arrears, we must try to meet all such cases of dishonesty. I use the word "dishonesty" advisedly because in most of these transactions there is an element of dishonesty. A great deal has been said by my friends on this side that we are putting a premium on the dishonest debtor. But the debtor is never dishonest. He only tries to undo the mischief done to him by the dishonest creditor. How can this be done unless you change the law? The Legal Remembrancer cannot be ignorant of this. Many cases should have come to his notice when he was a deputy commissioner. He knows that these people resort to all sorts of subterfuges to increase the amount of the debt. That being so, what is the remedy except the one suggested? Every member of this House is aware that since the High Court adopted this method of entry in the *bahis* as the conclusive evidence of money lent, many dishonest decrees have been given by sub-judges who have to follow the lead of the High Court. If there is any doubt, you must be well aware of that case which occurred recently in the High Court, where the amount lent by a money-lender in the district of Gujrat was Rs. 300 in 1888 and in 1934 the decree was for Rs. 2,10,000 which was maintained by the High Court. Do you think that there is any other way of meeting or stopping such cases except by the shifting of burden of proof? (*Interruption*). This is of course an exception. I am prepared to accept if you suggest any other method of meeting this. If the money had been fraudulently and dishonestly piled up on the debtor and if a huge sum had been put up, what is the alternative except that this burden of proof should be shifted? In this case we are not affecting any basic principle of the law as the honourable member says and I submit this with due deference to the learned Legal Remembrancer. It is only a matter of convenience. Does he mean to say that all cases are decided on this basic principle? The burden of proof is placed on the man who asserts a fact, so this is not a basic principle we are touching. We know as a matter of experience that the burden of proof should be on the money-lender about the money which passes as consideration and particularly with regard to entries in *bahis*. My friend here was very lenient in his amendment, though I wanted to oppose him, that if there is any entry in the handwriting of the debtor then the burden of proof will be on him. For instance a man has made a signed entry and got another as a witness and then put a sum over it to say that the money has passed and the transaction took place; in such cases the burden of proof should be on the debtor. Even that was a concession from us and with that in view the burden of

[Ch. Allah Dad Khan.]

proof should be surely put on the money-lender in all these transactions which are not registered. With these words I support the motion.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): It is hardly possible to add anything to the learned exposition of law given by the Legal Remembrancer, but certain wild statements have been made on the floor of this House which ought not to be allowed to go unchallenged. Some members have talked glibly of the dishonesty of the creditor, but if one were to go by the experience of courts for the last ten years in this matter or if an enquiry were made from the district and subordinate judges in the province in whose courts these suits are tried, a dishonest debtor and a dishonest judgment-debtor would be found to be a far more frequent phenomenon than a dishonest creditor. False pleas of payment, palpably and transparently false pleas of discharge of debts by alleged payments in money, grain and cattle, propounding of false and forged receipts of alleged payments by defendants and judgment-debtors and particularly by zamindars would be found to be a far more frequent phenomenon, permit me to repeat, during the last ten years than false claims by creditors. Only day before yesterday in the High Court it was found that a false and forged receipt of payment of Rs. 2,800 was put in by a debtor from the Ambala district and it was found to be clearly a traced forgery. Curiously the plea was that he had paid Rs. 2,800 by the receipt and discharged the entire debt, but if the courts found that it was not paid, then instalments may be fixed. Therefore it is too late in the day, I want the House to note, that with this prevalent dishonest mentality of the debtor, and which the senior officers of the Government like the Financial Commissioner have reported, has been intensified by recent indebtedness legislation and the propaganda, that it is the dishonesty of the debtor which needs to be curbed, and not any possible dishonesty of the creditor.

Khan Bahadur Malik Zaman Mehdi Khan: On a point of order. The Rai Bahadur referred to a case. If the case is *sub-judice* he is not right in commenting upon it.

Rai Bahadur Mr. Mukand Lal Puri: The case is not *sub-judice*. The District Judge of Ambala found that the receipt was forged and the judgment was upheld by the Division Bench consisting of Honourable Mr. Justice Addison and Honourable Mr. Justice Rashid day before yesterday and I was a counsel in the case. I appeal to my honourable friend the Legal Remembrancer than whom I know there is no greater friend of zamindars—I know this because he was my colleague on the indebtedness committee presided over by Mr. Calvert, when we discussed the problems connected with indebtedness—I ask him to make a statement on the floor of this House if the phenomenon of a false oral payment or even propounding of false and forged receipts of alleged payments by debtors is not of as frequent occurrence as a possible false claim by a creditor. He has worked as a district judge and he is in a position to give authoritative opinion on this matter. I will accept his verdict based on his experience unhesitatingly. If there are any other retired judicial officers either on these benches or other benches in this House, I should like them also to enlighten the House in the light of their experience and I make hold to say that they will endorse

every single word of what I have said which is based on my experience as a lawyer. Therefore it is time that this outcry of dishonest creditor and of an honest innocent lamb of a debtor were given the good-bye as it should be, by all decent people who do not wish to distort facts.

Again another wild statement was made contrary to what our legal expert had pointed out that if thumb-impressions are proved to correspond execution is proved. The courts only hold execution proved if they find that the thumb-impression was affixed to a particular document with knowledge of its contents. It is only then that any court would be justified in holding execution proved and this is the correct statement of law on the subject.

Pir Akbar Ali : That is what is desirable.

Rai Bahadur Mr. Mukand Lal Puri : This is what the law is. Further, the effect of this clause is that what was held in their favourite ruling in P. R. 17 of 1888 should also be given the good-bye. When these honest innocent lambs have executed a bond or a receipt written by a petition writer on judicial or stamp paper in the presence of witnesses and when further afterwards they have appeared before the registrar and have acknowledged the execution of the receipt after it has been read out to them by the registrar in open court and in the presence of witnesses, and when the registrar, after satisfying himself in the presence of the witnesses endorses in his own handwriting that the executant has admitted the execution of the document and has admitted that he has received consideration, even this is not enough to place *onus probandi* on him unless cash has been paid in the presence of the registrar. This is what this clause which has been placed before the House means and by this clause the sanctity of the registered document is also being thrown to the winds. Is it an attempt, I ask, to improve the legislative and administrative machinery of our province by throwing a doubt on most solemn acts of our registrars. Rao Bahadur Chhotu Ram has often said that he wants to go back to less civilized methods of administration prevalent before the British. This is what he actually wrote in his minute of dissent as a member of the select committee on the Punjab Relief of Indebtedness Bill. There would be time enough, under the new constitution to revise all that the British administration has done in introducing a rule of law in this land and what they considered to be civilised methods of dealing between man and man. I think we are on the eve of a situation when all those standards are going to be revised soon. This Bill has been rightly described by the Legal Remembrancer as a "Slaughter of legal enactments" Bill. Let me hope that this attempt to amend section 102 of Evidence Act, Act I of 1872, is not the beginning of the end, the end of a system of jurisprudence introduced in this country by the British.

Mr. President : Question is —

That clause 12 as amended stand part of the Bill.

The Council divided : Ayes 84, Noes 31.

AYES.

Afzal Haq, Chaudhri.	Muhammad Amin Khan, Khan Bahadur Malik.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Akbar Ali, Pir.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Allah Dad Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Arjan Singh, Sardar.	Muhammad Sarfraz Ali Khan, Raja.
Asadullah Khan Chaudhri.	Muzaffar Khan, Khan Bahadur Captain Malik.
Buta Singh, Sardar Bahadur Sardar.	Nathwa Singh, Chaudhri.
Chhotu Ram, Rao Bahadur Chaudhri.	Noor Ahmad Khan, Khan Sahib Mian.
Faqir Husain Khan, Chaudhri.	Nurullah, Mian.
Ghani, Mr. M. A.	Pancham Chand, Thakur.
Habib Ullah, Khan Bahadur Sardar.	Ram Sarup, Chaudhri.
Haibat Khan Daha, Khan.	Riasat Ali, Khan Sahib Chaudhri.
Jagdev Khan Khara, Rai.	Shah Nawaz Khan, Nawab Khan.
Jawahar Singh Dhillon, Sardar.	Umar Hayat, Chaudhri.
Malak, Mr. Muhammad Din.	Zaman Mehdi Khan, Khan Bahadur Malik.
Mamraj Singh, Chohan, Kanwar.	
Mazhar Ali Azhar, Maulvi.	
Mubarak Ali Shah, Sayad.	
Muhammad Abdul Rahman Khan, Chaudhri.	

NOES.

Abdul Aziz, Khan Bahadur Mian.	Jogendra Singh, The Honourable Sardar Sir.
Anderson, Mr. J. D.	Labh Chand Mehra, Rai Sahib Lala.
Askwith, Mr. A. V.	Labh Singh, Mr.
Bhagat Ram, Lala.	Lekhwati Jain, Shrimati.
Bourne, Mr. F. C.	Manohar Lal, Mr.
Boyd, The Honourable Mr. D. J.	Mayadas, Mr. E.
Bradford, Mr. W. G.	Mukand Lal Puri, Rai Bahadur Mr.
Chetan Anand, Lala.	Muzaffar Khan, The Honourable Nawab.
Dobson, Mr. B. H.	Narendra Nath, Diwan Bahadur Raja.
Fazl Ilahi, Khan Sahib Shaikh.	Nihal Chand Aggarwal, Lala.
Firoz Khan Noon, The Honourable Malik Sir.	Puckle, Mr. F. H.
Gokul Chand Narang, The Honourable Dr. Sir.	Parkinson, Mr. J. E.
Grindal, Mr. A. D.	Rahman, Khan Bahadur Dr. K. A.
Janmeja Singh, Captain Sardar Bahadur Sardar.	Ramji Das, Lala.
Jaswant Singh, Guru.	Shave, Dr. (Mrs.) M. C.
	Stubbs, Mr. S. G.

Clause 13.

Mr. President : The question is—

That clause 13 stand part of the Bill.

The motion was carried.

Clause 14.

Mr. President : Clause 14.

Mr. Nanak Chand Pandit : Clause 14 refers to the registration of money-lenders and I wish to oppose the clause. I gave detailed reasons in the speech which I delivered the other day. I only wish to say something of what I said that day. First of all, registration of money-lenders is entirely a new thing. It is not known to any law in India so far. The question of the registration of money-lenders was taken up by the Government of India in 1919 and the Government of India after consulting the provincial governments came to the conclusion that the registration of money-lenders was an impossible task. In 1923 the question was taken up by the Legislative Assembly and a debate was then held in the Legislative Assembly on the Bill moved by Mr. Muhammad Yamin, but the Bill was resisted by the Government of India.

Mr. President : The honourable member is repeating word for word the argument advanced by him already.

Mr. Nanak Chand Pandit : Quite so. I am not repeating word for word, but I am only giving the arguments briefly. In 1923, as I was submitting, the question of the registration of money-lenders was discussed in the Legislative Assembly and on behalf of the Government of India, Mr. Haig controverted that proposition. I will not repeat what I said the other day, but will only give the various facts. In 1925 again this Council, the Punjab Legislative Council, considered the question at great length when a Bill was moved by Mir Magbool Mahmood. It was then found that the registration of money-lenders was an impossible task. The Government of India was of the opinion that the registration would work great hardship and would really kill rural credit. Moreover, the registration of money-lenders is impossible from other points of view because here in India everybody is a money-lender as well as a debtor. (*Interruption*). I am talking of the majority in India. The minority may be left aside for the time being. Considering the past history, this question was definitely tackled and a decision on all occasions was given against the idea of registering money-lenders. Then again, the penalty imposed here is unheard of. I would therefore submit that the Government and the Council should not support the idea of registration.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : There are just a few facts which I should like to lay before the Council. The number of agriculturist money-lenders excluding those who advance only against mortgages is about 19,000, according to the report of the provincial Banking Enquiry Committee. The percentage of land-owners on the total population is 20.5. According to Mr. Darling 88 per cent. of the proprietors are in debt. The main point which I think the House might consider is, that so far as the registration of money lenders is concerned, there is a very large number of agriculturist money-lenders who should also be affected. (*Honourable members : Let them be.*) It is very easy to talk lightly about the interests of other people. Have the honourable members consulted those who are going to be affected? Would they welcome their advocacy? I do not propose to speak on the merits of the clause. I just wished to give this information, so that the House

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might be aware, that there were a very large number of zamindar money-lenders who would be affected by registration.

Khan Sahib Chaudhri Riasat Ali (Gujranwala, Muhammadan, Rural): I would like to submit that this is one of the most important clauses so far as this Bill is concerned. The honourable member, Mr. Nanak Chand Pandit in making his remarks has evidently forgotten sub-clause (3) of clause 1 of this Bill which provides that chapters 2 and 3 of the Bill are to come into force at once and chapter IV, the chapter dealing with registration, is to come into operation at the will of the local Government. So that the question whether the local Government wishes to apply this part of the Bill to any particular area makes it safe, as it is left in the hands of the local Government to decide whether there has been such a situation created as would justify the application of this part of the Bill to a particular area. So the argument that this House considered it as undesirable in 1923 and that this was thrown off in 1925 by the Council does not hold water at all. As I was submitting the other day, a law which is absolutely necessary to-day might be absolutely useless to-morrow and circumstances do differ from day to day in this province, what to talk of year to year. It goes without saying that at present the financial position in the province is such that it certainly justifies the registration of money-lenders. Moreover it is in the interests of the money-lenders themselves that this clause should be incorporated in the Bill. The simple result of it will be that the undesirable men who are the black sheep in the profession would be eliminated, and those people who are leading a lazy life as money-lenders will look to other enterprises to invest their money in. Consequently there will be an improvement in the wealth of the country because people would invest money in factories, in trade and industry and the money-lenders will no longer be sitting idle like the *bagla bagat* in a pond of small fish, on the *chabuthra* of his shop waiting for his prey.

There is also the other important thing to note, the intellectual disparity between the creditor and the debtor which now exists. It is an undeniable fact that the money-lender is as a rule clever, crooked and greedy while the debtor is simple, ignorant and needy. Taking into consideration this state of affairs it is extremely necessary that we should put some sort of check on the undue and unlimited activities of the money-lender.

As to the remark of the Honourable Minister for Agriculture that there are 19,000 agriculturist money-lenders in this province I would submit that even if there be one lakh of them we should have this clause. The wording of clause 14 applies the provision to all money-lenders as defined in the Act and there is no distinction between an agriculturist and a non-agriculturist money-lender. The clause requiring registration will apply to all money-lenders without any difference of creed or colour. It is the money-lender as such who is to be registered neither the agriculturist money-lender nor the non-agriculturist money-lender. There is no need in fact for this distinction. He may be anybody. We want that he should be registered in order to save the debtor. In this view, I would like to say, I am supported by at least two honourable judges of the High Court. The first is the Honourable Mr. Justice Abdul

Rashid and I will read out one sentence in which he says—

“ I am strongly in favour of the provisions relating to the licensing and registration of money-lenders as this would improve the tone and the status of the profession of money-lending and ultimately benefit both the debtors and the money-lending class itself.”

Then the Honourable Mr. Justice Monroe says in one sentence—

“ I am strongly in favour of a system of licensing.”

The next opinion is No. 17 and another No. 45. I am not going to quote them, but they say that taking into consideration the difference of mentality of the money-lender and the debtor it is extremely desirable that there should be registration. With these words I support the clause.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries) : I do not wish to advance any lengthy or numerous reasons against this provision, but it is necessary to meet one argument which is the basis of the entire argument for this part of the Bill. It is said that in England there is a Money-lenders Act and that if there is an Act in England, why not have one here ? That seems to be the entire basis of the two, if I may use the word, solitary opinions of judges who confronted with this fact have, contrary to the chorus of hostile opinions said in two short sentences, without discussion, why not have registration and licensing here if it exists in England ? In order to determine whether registration or licensing should take place here, an examination of the conditions here is necessary, and the examination of those conditions has been made under the authority of the Government itself, not on one occasion but on several occasions and always with one result. The first time the Government of India was called upon to consider this matter was when they for the first time in 1918 introduced the Usurious Loans Act which was bodily taken out of the British Money-lenders Act of 1900. The provisions as to registration and licensing of money-lenders, formed part of the British Money-lenders Act of 1900, along with the provisions relating to the usurious loans and other provisions, but the Government of India, if you go into the history of the proceedings leading to the Usurious Loans Act, specifically did not adopt the provisions relating to the registration of money-lenders as definitely unsuitable for conditions in India and adopted those provisions of the British Money-lenders Act relating to usurious loans which could be adopted in India and proposed and passed an Act called the Usurious Loans Act of 1918. This is a circumstance which cannot be familiar to everybody except to those who have studied the literature dealing with the problem. That was in 1918.

Again, it was pointed out in speeches opposing the consideration of the report of select committee that this question of the registration of money-lenders was definitely taken up in the Legislative Assembly on the motion of a private member. The Government of India, as is their practice, invited the opinions of all provincial governments ; and all the local governments unanimously, without a single exception gave it as their definite opinion that the provisions of the British Money-lenders' Act as to registration and licensing of money-lenders, or any system of licensing of money-lenders was unsuitable for conditions in India and was impracticable. I particularly refer this House or at any rate those members of the House who wish to pursue this matter further, to read the opinion of the Bombay

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Government who drew special attention to the conditions in England and the conditions in this country and pointed out that the conditions in the two countries on this matter were entirely different. I shall not reiterate the reasons in detail but anyone who wishes to study the opinion may find it in the reports of the Legislative Assembly in the speech of the Finance Member which was read out to the House the other day. That was the second occasion when the conditions in India were investigated by the Government of India, and the registration and licensing of money-lenders in India was found to be unnecessary, undesirable and impracticable. That was, I think, in 1926.

Again, the matter does not rest there. Two expert committees were appointed, the Central Banking Inquiry Committee and also the Provincial Banking Inquiry Committee of which the chairman was our late Financial Commissioner, Mr. Calvert who was, if one may say, one of the sponsors of most of the agrarian legislation and also an advocate of the theory of restriction of credit as a panacea for the ills of the zemindars. These committees, the Central Banking Inquiry Committee and the Punjab Banking Inquiry Committee again investigated the matter, and with the full knowledge that there were enactments in the United Kingdom as to the registration and licensing of money-lenders, reported against any system of registration and licensing of money-lenders in India as the conditions in India and in the Punjab were different and found such licensing to be both undesirable and impracticable. In the light of that experience and in the light of expert material which has been collected by those committees, is the mover of the Bill justified in asking the House to discredit that material and embark on a line of his own? We had this very experiment tried in this very Legislative Council. Mir Maqbool Mahmood introduced a Bill called the Money-lenders' Bill, the object of which was registration and licensing. It was passed by the Council as, I apprehend, the present provision will be passed. But the Governor of the Province was Sir Malcolm Hailey. He did not give his assent and did not even consider it worth his while to return the Bill for reconsideration of the House, giving a promise to the House that he would on behalf of Government introduce a legislation which would meet the exigencies of the situation. The Punjab Government did in pursuance of that promise introduce the Regulation of Accounts Act which contains all that the Punjab Government thought was necessary in the circumstances. Is this attempt being made again with the hope that they might be able to secure under the present conditions what the previous Governor thought was not in the interests of the province? I would submit that there is absolutely no case made out for this. Anyone who is acquainted with actual conditions is also of the same opinion now. Honourable Mr. Justice Currie, who has worked as Collector, and Settlement Officer and now adorns the High Court Bench remarks "It is practically impossible to introduce such a system in this province where anyone with money is a potential money-lender." Honourable Mr. Justice Skemp agrees with him.

Again, I do not believe that there are no Chhotu Rams in other provinces. I do not mean any disrespect, but people who are enthusiastic about legislations of this kind have tried this experiment in other Councils, for example, the Bengal Legislative Council, but always with the same result. If you

look at the original draft of the Bengal Money-lenders' Bill, you will find that in the Bill there were sections 5, 6 and 7 relating to the registration of money-lenders, but when the Bill came before the Council and the whole situation was explained, the Council did not consider it advisable to enact those clauses and the Bengal Money-lenders' Act does not contain any provision as to registration of money-lenders. That was in 1933.

Again, may I respectfully submit my own reason for opposing these provisions. We have been told, on reliable data, by the Honourable Minister for Agriculture—I find that all the Sikh members are absent, I do not know whether they are holding a meeting—that according to the Punjab Banking Inquiry Committee there are 19,000 agriculturist money-lenders (the number must be much larger now), and if I were only mindful of the interest of the non-agriculturists or what Chaudhri Chhotu Ram chooses to call the *banias*, I would be the first person to ask for the registration of money-lenders. My friend Pir Akbar Ali says that he and his party are for registration of money-lenders without distinction of caste or tribe. I can very well understand the reason which actuates him and his Muslim friends, because of the 19,000 agriculturist money-lenders, a vast majority must be Hindus and Sikhs and this registration does not materially affect the Muslims. But Sikhs cannot look upon it with that amount of indifference, as a very large number of both agriculturist and non-agriculturist money-lenders are Sikhs and that is why it appears, they are holding a meeting to decide their attitude in this matter. I repeat, if I had only the interest of any particular class, of non-agriculturist Hindus I would say that the registration of money-lenders is the only method of throwing the agriculturist back at the mercy of the non-agriculturist *sahukar* because by insisting upon registration and licensing, large number of agriculturist money-lenders will disappear in no time. I have given considerable thought to this matter, I have really given anxious thought to this matter and I have come to the conclusion that the effect of this registration will be that the big money-lender will be more influential and will be more powerful and the smaller fry will disappear and the big money-lender will become a real power in the land. But if this were the only effect, I would say, as my friend Pandit Nanak Chand has said, that registration and licensing may be tried, but I apprehend other effects—effects which not only I anticipate but those people who have studied these problems much more carefully, have repeatedly pointed out, that is, this registration would lead to the extinction of the casual money-lender, the retired officer, the retired doctor, the retired soldier and the widow with money, who provide the credit facilities, not only to the agriculturist but to the petty shop-keeper, petty artisan and the petty pedlar and also it may lead to restriction of credit to such an extent that it would affect trade and industry. There are no banks in the Punjab as in other countries. The existing banks do not touch even the fringe of credit. My fear is that by abolishing the money-lender you may not curtail the credit facilities to such an extent that you may dislocate the entire credit fabric of the province and that is my reason for opposing the registration in this country. We have not got the banking facilities in this country which exist in other countries where you would find a bank in every corner, in every district, in every place or in every group of districts. Here you have one or two indigenous joint stock banks for the whole province. They are no banks and whatever

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trade and industry is being carried on is being done, by the credit facilities provided by the much abused money-lender. This registration will restrict their number and will restrict credit to a great extent. I oppose the clauses relating to registration and licensing of money-lenders.

Mian Nurullah (Lyallpur South, Muhammadan, Rural): I do not agree with my honourable friend who represents Industries on one or two points and, therefore, I have got up to support this motion. I think that this is the most salutary provision in the whole Bill. If we had resorted to such legislation earlier we would not have been in the position we are now in. Most of the troubles would have been avoided and by registration the right sort of money-lending would have grown up. My honourable friend the member for Industries said, how can we function unless we have got money-lenders? I say that if we adopt this registration as one of the provisions we are sure to encourage banking—and it would be through banking that we will get a fairer deal—and thus we will be encouraging the industries of the province too.

My honourable friend also remarked that because registration is prevalent in England, therefore, it is argued that we should also have registration. I say certainly that is a very cogent argument. Registration was adopted in England in 1900 and for about 27 years there was no effective control over money-lending even after registration had been adopted. I might here quote from a little book "Money-lending in Great Britain" by Orchard and May. The very first two sentences in Chapter V 'The Beginnings of Administrative Restraint' read—

"The abuses in money-lending practices existing in 1927 were the same abuses that had existed in 1897. The Money-lenders Act of 1900 had failed to prevent them because the select committee of 1897 and 1898 had been timid about prescribing remedies and Parliament itself had been even more timid."

From this we should take a lesson. We should not be timid in any way now. We should go ahead with the provision and as this book says the registration had very little effect up to 1927 when the second measure was passed, that is, for thirty years this registration had not much effect. This measure will become effective only after a number of years. It must therefore, be passed now. Administrative control over the money-lenders can be had only by licensing them. The book further says—

"Any person desiring to carry on the business of money-lending could, under the Act of 1900, be registered upon payment of a small fee. There was no guaranty of his character or qualifications."

We are not at all very strict about the clause that we are now considering. In England they have stricter control over money-lending. If we were to go so far as England has gone, then each money-lender who wants a certificate will have to show that he possesses good character and qualifications. In England certificates can be had only under certain conditions. This measure is very mild compared with that prevailing in England. I may also point out that if we pass this clause, its effect will follow only after two years. I, therefore, whole-heartedly support the clause.

Mr. President: The question is—

That clause 14 stand part of the Bill.

The Council divided : Ayes 80, Noes 34.

AYES.

Afzal Haq, Chaudhri.	Muhammad Hayat Qureshi, Khan Bahadur Nawab.
Ahmad Yar Khan Daulatana, Khan Bahadur Mian.	Muhammad Jamal Khan Leghari, Khan Bahadur Nawab.
Akbar Ali, Pir.	Muhammad Raza Shah Gilani, Makhdumzada Sayad.
Allah Dad Khan, Chaudhri.	Muhammad Sadiq, Shaikh.
Asadullah Khan, Chaudhri.	Muhammad Sarfraz Ali Khan, Raja.
Chhotu Ram, Rao Bahadur, Chaudhri.	Mushtaq Ahmad Gurmani, Khan Bahadur Mian.
Ghani, Mr. M. A.	Muzaffar Khan, Khan Bahadur Captain Malik.
Habib Ullah, Khan Bahadur Sardar.	Noor Ahmad Khan, Khan Sahib Mian.
Hajbat Khan Daha, Khan.	Nurullah, Mian.
Jagdev Khan Kharal, Rai.	Ram Sarup, Chaudhri.
Malak, Mr. Muhammad Din.	Riasat Ali, Khan Sahib Chaudhri.
Mazhar Ali Azhar, Maulvi.	Shah Nawaz Khan, Nawab Khan.
Mubarak Ali Shah, Sayad.	Umar Hayat, Chaudhri.
Muhammad Abdul Rahman Khan, Chaudhri.	Zaman Mehdi Khan, Khan Bahadur, Malik.
Muhammad Amin Khan, Khan Bahadur Malik.	
Muhammad Eusoof, Khwaja.	

NOES.

Abdul Aziz, Khan Bahadur Mian.	Labh Singh, Mr.
Anderson, Mr. J. D.	Lekhwati Jain, Shrimati.
Askwith, Mr. A. V.	Mamraj Singh Chohan, Kanwar.
Bansi Lal, Chaudhri.	Mayadas, Mr. E.
Bhagat Ram, Lala.	Mohindar Singh, Sardar.
Bourne, Mr. F. C.	Muzaffar Khan, The Honourable Nawab.
Boyd, The Honourable Mr. D. J.	Narendra Nath, Diwan Bahadur, Raja.
Bradford, Mr. W. G.	Nathwa Singh, Chaudhri.
Chetan Anand, Lala.	Nihal Chand Aggarwal, Lala.
Dobson, Mr. B. E.	Pancham Chand, Thakur.
Fazl Ilahi, Khan Sahib Shaikh.	Puckle, Mr. F. H.
Firoz Khan Noon, The Honourable Malik, Sir.	Pandit, Mr. Nanak Chand.
Gokul Chand Narang, The Honourable Dr. Sir.	Parkinson, Mr. J. E.
Grindal, Mr. A. D.	Rahman, Khan Bahadur Dr. K. A.
Jogendra Singh, The Honourable Sardar, Sir.	Ramji Das, Lala.
Labh Chand Mehra, Rai Sahib, Lala.	Sewak Ram, Rai Bahadur, Lala.
	Shave, Dr. (Mrs.) M. C.
	Stubbs, Mr. S. G.

Mr. President : Clause 14 having been omitted by the Council, the remaining clauses of the Bill, *viz.*, clauses 15 to 21 automatically fall to the ground. Therefore, I will not put them to the vote of the Council. Besides, clause 18 has to be deleted and I hope that the drafting committee, to which this Bill is to be referred, will see that it is deleted.

Preamble.

Mr. President : The question is—

That the preamble be the preamble of the Bill.

The motion was carried.

Clause 1, sub-clause (1).

Mr. President : The question is—

That sub-clause (1) of clause 1 stand part of the Bill.

The motion was carried.

The Bill was then referred to a drafting committee with instructions to submit its report on Friday, 29th November, 1935.

The Council then adjourned till 2-30 P. M. on Friday, 29th November, 1935.

PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 4TH PUNJAB LEGISLATIVE COUNCIL.

Friday, 29th November, 1935.

The Council met at the Council Chamber at 2-30 P. M. of the clock. Mr. President in the chair.

MOTION FOR ADJOURNMENT.

ASSAULT ON BAWA JIWAN SINGH.

Sardar Bishan Singh (Sialkot-cum-Gurdaspur, Sikh, Rural) (*Urdu*):
I move—

That this Council do now adjourn to discuss a definite matter of urgent public importance, namely the situation created by the dastardly and murderous assault of Bawa Jiwan Singh on the 26th instant in Lahore, and to urge upon the Government to take necessary steps to ensure safety of life and property in the province.

The atmosphere which has been created in Lahore during the last few months makes every Punjabi hang his head in shame. The Punjab has always enjoyed a noble reputation for chivalry, integrity and uprightness of character. But now when peaceful wayfarers are being assaulted and assassinated in the streets of Lahore that noble reputation has been seriously damaged. Is it not deplorable, I ask, that an innocent person who is walking in the street totally unaware of the impending danger should be suddenly stabbed? What is worse is this, that nobody comes to his help nor does anybody pay any attention to the groans of the poor man. Nobody comes forward to lift him up. Can you imagine a greater depravity of mankind? Is any fair-minded Punjabi or any member of this Council prepared to raise his voice against such dastardly attacks? At least nobody has done so, so far. What is most surprising to me is this that even the Government has not been able to discharge its duty of maintaining law and order effectively. We hear people complaining now that the Government is perhaps bound by some pact which it has concluded with the Mussalmans and therefore it has refused to do anything in this respect. Anyhow the people have been unable to assign any cause to this inertia of the Government when prompt action is expected of them. I want to invite the attention of the Government to a saying of Baba Farid which means that it is useless to expect grapes if you sow the seeds of a kikar tree, just as it is futile to expect a silken cloth if the yarn is made of wool. In the same way the Government cannot hope to see law and order established in the country if it takes no steps to improve the state of affairs.

We are on the threshold of a new constitution which will give us political autonomy. Under this constitution a community has been given permanent majority. It is, therefore, necessary for this community to win the confidence of the rest of the people living in this province. A democratic form of Government will not be able to work well without the co-operation

[S. Bishan Singh.]

of all communities in the Punjab. The Government should realise that if the state of affairs is allowed to continue as it is the trouble will spread throughout the province and then it will be very difficult to control it. I will appeal to my Muslim brethren that they should not sully their fair name by making or conniving at such dastardly attacks. They should make every effort to remove the present tension and create an atmosphere of peace and tranquillity.

Mr. President : The object of an adjournment motion is not always censure. Sometimes it is made in order to obtain fuller information than can be given by an answer to a question ; sometimes in order to rivet attention on a subject.

Now what is the object of the mover ? I suppose his object is to invite the attention of Government to the state of affairs prevailing in Lahore and to request the executive to ensure safety of life and property in the Punjab. Is that so?

Sardar Bishan Singh : Yes, Sir.

Sardar Bahadur Sardar Buta Singh (Multan Division and Sheikhpura, Sikh, Rural) : I rise to give my wholehearted support to this motion. This is not the first incident of its kind, when a peaceful Sikh while going along his own way, immersed in his own thoughts, is set upon all of a sudden by some ruffians who are armed to the teeth either with hatchets or some other lethal weapons. Every great religion, every code of morality, has always condemned such cowardly attacks on persons who are in pursuit of innocent callings. Such a person who makes such an attack in my opinion—and I think everybody will agree with me—is a mean wretch, a despicable creature, a standing menace to the peace and tranquillity and a traitor to his country, and last though not the least a disgrace to his own faith and religion. (*Hear, hear.*) There is a Urdu couplet which says—

مذہب نہیں سکھانا اُس میں بیور رکھنا

On the other hand every great religion stands for peace, toleration, goodwill, fellow feeling and even spirit of sacrifice for others. I may be allowed to quote a couplet from our Holy Scriptures—

اول اللہ نور اُپایا۔ قدرت دے سب بندے

ایک نور تھے سب جگ اُپچایا۔ کون پہلے کون بندے

لوگا ! بھرم نہ بھولو بھائی۔ خالق خلق خلق میں پور رہا سرب نہ تین۔

Then again another great Muhammadan saint whose sayings are also incorporated in our Holy Scriptures, Baba Farid, says—

جو تین مارن مکیاں تھیاں نہ مارین گھم

آپڑے گھر جاوئے پیر تھیاں دے چم

Then again there was a great saint named Abu Bin Adam and while I was a student perhaps of 3rd year class I read a poem about him. It is said that once upon a time he saw an angel writing something and he enquired from

it as to what it was doing. The angel replied that it was writing down the names of those who love their Lord. He requested the angel to write down his name as one of those who love their fellowmen. The next day when that angel again re-appeared, it was found that his name was topping the list. So loving one's fellow brothers is the best and the most wholesome advice which has been given by all great religions. Sometimes misguided youths think that they will become martyrs by such foul actions, but I think the doors of Heaven will be shut against such persons. He will never be admitted there and his soul will be burning there for all the time in everlasting shame and misery. So I would request all honourable members of this House that such like deeds be condemned in no uncertain terms to-day. On the other hand I am very proud of my Sikh brethren that in spite of the fact that they were in possession of swords they have not perpetrated such a deed, and I would enjoin upon them that they should always have in view the fair name of their religion and their community and they should not perpetrate such a thing as has been done during all these days, because according to Sikh religion, and, I should say, even according to the Muhammadan religion, it is a sin to stab even one's enemy in the dark. What is done here? A person going unawares is followed by two or three ruffians and all of a sudden he is stabbed. I therefore request the Government to kindly take note of this fact and try to find out ways and means in which the security of the citizens of Lahore and of the province is kept in view. I would like to suggest one or two things which I should like the Government to adopt. A punitive police should be posted in the locality.

Mr. President : I am inclined to doubt whether under the terms of the motion under discussion it is open to the individual members to suggest the steps which Government should take for the safety of life and property in the province. I think it is for the Government to consider and decide what steps to take.

Sardar Bahadur Sardar Buta Singh : But can I not suggest some steps?

Mr. President : I am doubtful. The honourable members, who may offer any suggestions, will be expressing their individual opinions and not the opinion of the House.

Mr. Nanak Chand Pandit : Why cannot the honourable member suggest as to how peace can be maintained, so that Government may take into consideration his suggestion?

Mr. President : The motion is for discussing a definite matter of urgent public importance, namely, the situation created by the dastardly and murderous assault on Bawa Jiwan Singh on the 26th instant at Lahore and to urge upon the Government to take necessary steps to ensure safety of life and property in the province. It appears, therefore, that it is for the Government to decide what steps are necessary. If individual suggestions are allowed to be made, I am afraid, instead of improving the situation, they might increase differences, widen the gulf and create more hatred and further bickerings.

Rai Bahadur Mr. Mukand Lal Puri : How can you discuss the situation without discussing the causes, the effects and the possible remedies ? Is the fact that a man has been murdered only to be mentioned and nothing more ?

The Honourable Mr. D. J. Boyd : I sincerely hope that members will not go deeply into the matter. We have already spent four days in debating the Shahidganj affair. So for mercy's sake let us get rid of it.

Mr. Nanak Chand Pandit : That is entirely different. It is open to the honourable member to show how this disease is prevalent and to suggest remedies and it is for the Government to take what measures they think proper. Our view point may be different from that of the Government but I submit that we have got a right to suggest these things to the Government.

Rai Bahadur Mr. Mukand Lal Puri : The desirability or otherwise of saying anything which would lead to undesirable consequences is an entirely different matter from the constitutional right of members to say or not to say anything which they like.

Mr. President : The motion consists of two parts. The first part is to discuss the situation created by the dastardly and murderous assault on Bawa Jiwan Singh on the 26th instant in Lahore. The second part is to urge upon the Government the desirability of taking necessary steps to ensure the safety of life and property in the province.

Diwan Bahadur Raja Narendra Nath : And one of the steps is what the mover is suggesting.

Mr. President : But the steps the honourable members may suggest will not be put to the vote of the House. I am disinclined, therefore, to allow any suggestions as to the necessary steps the Government should take.

Sardar Sahib Sardar Ujjal Singh : Under the terms of the motion every member is within his right to suggest steps which he thinks necessary for the Government to take and it depends upon the Government to adopt those measures or not.

Chaudhri Afzal Haq : How can you judge what will be the result of our speeches ? If we cannot suggest the steps which the Government ought to take while discussing the necessity of taking steps for the safety of life and property in the province I do not know why we are here.

The Honourable Mr. D. J. Boyd : I have no objection to hear reasonable suggestions provided that they do not provoke communal feelings. One thing I would urge and that is that we should avoid in this House any unnecessary exacerbation of communal feeling, and so long as suggestions avoid that I have no objection to hear them.

Mr. President : Subject to the limitations, suggested by the Leader of the House, the honourable members may make suggestions.

Rai Bahadur Mr. Mukand Lal Puri : Is that a constitutional limitation or discretionary ?

Chaudhri Afzal Haq : When the Government have given permission to discuss a motion, I do not see any reason for the Government to put any limitations on the debate.

Mr. President : Subject to our Rules and Standing Orders the honourable members are free to say what they like. I shall be the last to impose unnecessary restrictions on speeches. It is my duty, however, to see that the honourable members do not come to blows on the floor of the House.

Honourable members : No, no.

Sardar Bahadur Sardar Buta Singh : I was drawing your attention to certain suggestions which to my mind were very necessary for the Government to consider. The first was punitive police to be posted in the locality in which such murders take place. I do not want to give reasons, they are already known to the Government. Then the Press and especially the vernacular Press should be curbed in their propensities towards propagation of class and communal hatred. Thirdly, there is a wrong impression outside the House in the province and in districts that by issuing certain *communiques* an impression has been created that the people can carry all sorts of weapons although only swords have been exempted from the Arms Act. There is that impression not only among the illiterate classes but even among educated people. Yesterday I came across a retired head constable of police who told me that every weapon, hatchets and spears and everything was exempted. That impression must be removed. The next thing for the Government to do is to impress upon the minds of the subordinate police officials that they should remain loyal to their duty irrespective of their caste, creed and religion. The Government must also be sparing in their eulogy of the spirit of restraint evidenced by one community or the other. Some of the bad people think that restraint allows the killing and murdering of one or two persons, and that they can do anything they like within the limits mentioned above. I have also an appeal to make to my Muhammadan brethren. I would request them that they should try to condemn such foul deeds and also to keep the masses under control. False leaders are trying to take their places. If the real leaders were there, I do not think these masses could be decoyed to do something which they ought not to do. Then I would also request them to try to appreciate their position as a majority community with respect to the new constitution which is coming along. I think peace, good-will and a spirit of co-operation should be there so that all of us might be able to carry on the new constitution when it is before us. Because I think it is time that we should try to make up all our differences, and the people in the country should come to know that we are trying to be one, so that they might follow us and thus end this stagnation. Remember the sayings "that it is not what we take but what we give up that makes us rich," "he is truly happy who makes others happy." I will conclude my speech with a quotation from Shakespeare—

"Love thyself last, cherish those hearts that hate thee.

Corruption wins not more than honesty.

Still in thy right hand carry gentle peace.

To silence envious tongues be just and fear not.

[S. B. S. Buta Singh.]

Let all the ends thou aimest at be thy country's

Thy God's and Truth's.

Sow good services, sweet remembrances will grow out of it.

Just the art of being kind is all this sad world needs."

Khan Bahadur Mian Ahmad Yar Khan Daulatana (Muhammadan Landholders): It is the duty of every peaceful citizen to condemn a murder and as a matter of fact all crimes that disturb the peace of a country and particularly of an unhappy province in which we have a lot of explosive material and where numerous candles of religious fervour and historical misunderstandings are burning all along and all round with an intellectually mischievous breeze blowing at the top of it. Our creed is the creed of humanity and our religion the religion of human brotherhood and we always consider it our duty to condemn any murder committed with any motive or under any provocation, however, great. Perhaps you remember that the members of our party and a muslim member of the Legislative Assembly and Pir Jamaat Ali Shah very strongly and promptly condemned the murder of a Sikh by a Muslim. We shall always do it and expect others to do the same. But it was rather disappointing to discover the failure of my Sikh friends to condemn the Shahdara murders and I am sure that that omission was neither intentional nor deliberate. Without being in possession of facts of the murderous assault under discussion, I condemn it. This part of the House is sincerely and genuinely anxious to see peace and harmony and goodwill prevailing in the province, friendly, nay, brotherly relations between the various communities of the province and genuine co-operation between the Government and the public.

The members of this party in January 1931 requested you and His Excellency the Governor to call a special session of this Council and in that session on behalf of this party I moved a resolution which was adopted by this Council, in the following words:—

3 P. M.

"This Council recommends to the Government that adequate measures be adopted forthwith to cope with anarchical crime."

And in moving that resolution, I said—

"As we all know, during the time of disturbance, generally bad men have the most power. Mental and moral excellence always requires peace and quiet." (*Punjab Debate, Vol. XVII, page 250.*)

I really fail to understand the importance and significance that is being attached to this particular incident. You know that the conditions in this province were not very satisfactory sometime ago, but I am sure no one will have any cause of complaint against the members of my party that they have failed in their duty in any way. Whenever there was an occasion we always condemned actions of this kind. It is with disagreeable surprise that one finds unnecessarily frequent mention of the attitude of the majority community towards the minority communities in this province and its effect on the future constitution. That, to my mind, is somewhat irrelevant on occasions like this. It is really very fortunate that in this province the strength of the various communities is so well-balanced that apart from being undesirable it is impossible for the majority community to ignore the wishes of the

minority communities. And the fear of any minority community in this respect is without any foundation. It is no good telling us that minority communities suspect your shaking shoulders while walking and that a strong case is being made against you by the minorities because you put your hands in pockets while standing. We have neither the remotest desire of getting anything more than the majority community of any other province nor have we the slightest fear of getting anything less. It has been always the keen desire of members of this party to maintain law and order in this province. And our views on the subject are truly represented in the famous verse of that great Eastern philosopher, Dr. Sir Muhammad Iqbal, who says—

دھر میں عیش دوام آئیں گی پابندی سے
موج کی آزادیاں سامانِ شہرں ہو گئیں۔

Its meaning in English would be this : The observance of restrictions as applied by the recognised laws whether of Nature or of society is basic principle on which the eternal happiness of men and the regular movement of the spheres depend. Whoever breaks himself loose from the rigours of this law comes to grief. The surging waves of the ocean that break from their regular course soon find themselves scattered and lost in the unabated fury of their uncontrolled freedom.

In the end I would request all my colleagues through you, Sir, who wish to take part in this debate, to make speeches short, to the point and in a way the effect of which would be rather soothing than irritating on the healing of the somewhat wounded peace of this province.

Mr. A. V. Askwith (Home Secretary): I should like, with your permission, to say a few words regarding two or three sentences which occurred in the last speech but one, the speech made by Sardar Bahadur Sardar Buta Singh. The Sardar Bahadur referred to certain misunderstandings which he suggests at present exist as to the effect of the notification which was published recently by the Government of India (on the suggestion of the Punjab Government) regarding the unlicensed possession and carriage of swords. The Sardar Bahadur informed the House that according to his information that notification had given rise to a popular impression that persons are now permitted to possess and carry without license all kinds of arms, *chavis*, daggers, spears, axes and the rest. Actually, Government caused a *communiqué* to be published in the Press some ten days or a fortnight ago explaining that that was not the case. The notification which was published by the Government of India a few weeks ago related exclusively to swords. It had no effect whatever on the position in regard to the possession and carriage of daggers, spears, *chavis* or any kind of weapon other than swords. That has already been made clear in the Government *communiqué*. It is of course possible that that *communiqué* has not yet reached the general masses, but I am certain that Government can rely on the honourable members of this House to do their utmost to explain the true position to the public.

Chaudhri Afzal Haq (Hoshiarpur-cum-Ludhiana, Muhammadan, Rural) (*Urdu*): In the whole of the province there is not a single Muslim who does not respect the life and property of the Sikhs. When the first murder in connection with the Shahidganj affair occurred there was not a

سردار

[Ch. Atzal Haq.]

single individual amongst the Muslims who did not condemn it unreservedly. Not only this, but a Muslim leader, who when he came here declared that the killing of an innocent man was murder pure and simple and against the Quranic law. I assure the honourable Sikh members through you, Sir, that it is far from our minds to injure the feelings of or cause any hurt, howsoever trivial it may be, to any of the members of our sister communities. If a Muslim kills an innocent man whether Muslim or non-Muslim he is a murderer and not considered a member of the Muslim community. We Muslims do not regard such a person as one of us. The total population of this province is about 2½ crores out of which the Muslim population is about one crore 20 lakhs. How can you expect that every individual of any one community can be prevented from committing murderous assaults on individuals either belonging to his own community or to other communities? I assure the Sikhs and Hindus of the province that their idea that an agency is at work to commit such murders is quite unfounded. I request them to remove such an impression from their minds. Individual cases of assault or murder will continue to occur but we should abstain from giving them a communal tinge, and regard them only as signs of our country's misfortune.

The failure to lay before the people real facts about the Shahidganj affair was responsible for creating the present situation. Unfortunately for us all people who were in the know about the real facts of the Shahidganj affair did not come forward to lay them before the public at large. Some did not do it on account of the fear of Government while others did not do it on account of some private reasons of their own. Had this simple fact been brought to the notice of the people when still there was time for it, that responsible Sikh leaders had assured the Government that the mosque would not be demolished until and unless the Gurdwara Parbandhak Committee had arrived at a decision about it in its meeting which was to be held on the morning of the 8th, the relations between Muslims and Sikhs would not have been strained. If the position of the Sikhs had been cleared by making such facts known to all sections of the people, no deplorable incidents would have occurred. The situation would never have been aggravated had this been done at the proper time. But who could take upon himself the responsibility of bringing all these facts to light. Had the newspapers published the real facts about Shahidganj and convinced the masses that it was not the fault of the Sikhs that the mosque had been demolished, the next natural question would have been to find out the real authors of this misdeed, and if this question had cropped up it would have gone against the interest of Government. No one in the Punjab Press dared to take up this question and point out the real authority responsible for disturbing the peace and tranquillity of the province. I often tried to muster up courage to do it and expose the real authors of this unfortunate incident but the fear of the consequences which naturally would have followed such a step always kept me back from doing it. I can put before the House documentary evidence to prove the fact that the Sikhs actually wanted the Government not to allow such circumstances to crop up as would lead to unrest and disturbance on such a large scale as are at present being witnessed. The information published in a *communiqué* that a Sikh leader had sworn before Guru Granth Sahib to demolish the mosque was later on found to be incorrect.

The Honourable Mr. D. J. Boyd : Must Shahidganj affair be raked up once more ?

Chaudhri Afzal Haq : I am not subordinate to you.

The Honourable Mr. D. J. Boyd : You are certainly subordinate to the Honourable President.

Mr. President : The honourable member should not raise discussion of the Shahidganj affair.

Chaudhri Afzal Haq : I am entitled to submit before the Government through you that it was their duty to inform the people that responsible Sikh leaders had agreed to wait until the Gurdwara Parbandhak Committee had decided the question of demolishing the mosque one way or the other instead of publishing that the Sikhs had failed to abide by their word.

Mr. President : How is that relevant to the discussion now before the House ?

Chaudhri Afzal Haq : What I want to submit is that so long as the Government do not themselves take steps to enlighten the people about the actual facts connected with the Shahidganj affair the agitation will not stop. The Government should first themselves enquire into the real facts and then inform the public about them. The Government have not appointed any enquiry committee up to this time to go into this matter. An honourable Sikh member had made a statement in this House that winches were supplied by a certain Sikh gentleman named S. Dhayan Singh. The Government did not contradict this statement but it was incorrect all the same. It shows that up till now no one has tried to find out the real facts about this affair. Here is a statement given by S. Dhayan Singh. In it he denies that he supplied any winches for the demolition of the mosque. He also deposes that although he was in Lahore from the 7th to the 10th July he did not go to the Shahidganj during all this time. Here is a written statement of S. Dhayan Singh before the House. He has nowhere admitted the charges brought against him. All this shows that up to this time everything connected with this deplorable affair has been allowed to remain in the dark. Four months have passed since the time this sad incident occurred and the Government have not tried to discover the real facts of the case. Wrong facts are circulated among the people and still nothing has been done to inform them of correct facts. Then, the Chief Secretary stated that it was at one o'clock in the morning that they were informed that the mosque had been demolished.

Mr. President : Will the honourable member please speak to the motion before the House ?

Chaudhri Afzal Haq : What I want to submit is that the Government should set up an independent enquiry in order to find out the real facts and inform the people of the results of that enquiry. So long as the Government do not themselves make an enquiry and inform the people about the real facts connected with the Shahidganj affair the trouble will continue unchecked. I assure you, that, if once the people are made to understand the real facts of the case the trouble will cease and the strained relations between the Sikhs and the Muslims will once again become cordial. The other day Maulana Sayyed Habib declared before a gathering of 25,000 men that a very responsible officer of the Police Department had informed the Governor at

[Ch. Afzal Haq.]

4 P.M. that the mosque would be demolished at night. Such facts are bound to create great misunderstanding in the mind of the public. But if the Government continues to deny such things, there will naturally be confusion and disorder in the country, and communal riots will break out everywhere. It is, therefore, the foremost duty of the Government to hold an inquiry into the whole affair and place the actual facts before the people. I am sure that the misunderstanding in the mind of the Muslims about the Sikhs is quite unjust. I would strongly appeal to all the members of the House to call upon the Government to institute an independent inquiry into the Shahidganj affair. I am at a loss to understand why the Government refuses to hold an inquiry about a matter which is a question of life and death for two communities, when it does so about small and trivial matters. This is the only way of improving the present state of affairs. When true facts come to light, the clouds of doubt and misunderstanding will disappear, and the two communities, which are now at daggers drawn, will once again live in peace and amity.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I am sure the House feels gratified after hearing the speech of the Secretary of the Unionist Party, my friend on the right Nawab Ahmad Yar Khan Daulatana. His condemnation of this attempt at murder does, I hope, represent the feelings of the honourable members of those benches. Murder whether due to political motives or to religious motives or worldly motives is a murder after all and the murderer should not be praised and raised to the sky. It is undoubtedly true that the situation in Lahore and in the province is such that it is causing great apprehension in the minds of the minority communities. It would be no use our hiding this fact that so far as the minority communities in this province are concerned, they are feeling that there is such a situation likely to be created which the Government may not be able to control if certain effective steps are not taken by the Government for the future. It is undoubtedly true that the maintenance of law and order, the protection of the life of the peaceful citizens is a paramount duty of the Government whether that Government is a Hindu government or a Muhammadan government or a Sikh government or a European government, and this fact should not be lost sight of at this critical juncture when religious feelings are running high and are permeating even the villages of the Punjab. I am speaking with a full sense of responsibility. I have received complaints from various villages where certain sections of the people are oppressed by the other section—I shall not name the section but it is a fact and Government should take note of this fact when we bring it to its notice. I was specially gratified when I heard my friend Nawab Ahmad Yar Khan Daulatana when he placed the anarchical crime and the crime due to religious motives on the same footing. They do stand on the same footing and I would respectfully ask the Government that they should make no distinction between these two sorts of crime which the Government has been making in the past. While the dead bodies of murderers who commit murders on account of political motives and are consequently hanged are not permitted to be taken out in processions, and they are not eulogised, Government has been failing in its duty by permitting the dead bodies of murderers who commit murders with religious

motives and are subsequently condemned to death to be taken out in procession. If the Honourable Finance Member wants instances they can be given to his satisfaction. Government should make no distinction and should not permit two thousand, five thousand or ten thousand men to assemble and do homage to the murderers whatever the cause of the murder may be. That is the first point which I would submit for the consideration of Government.

I wholeheartedly support the proposal made by Sardar Buta Singh that there must be the imposition of punitive police on those communities and in those localities where such a state of affairs occurs. This is absolutely essential. I would quote an instance that in the case of Bijwara in the Hoshiarpur district the Hindus and Sikhs were made to pay punitive tax in order to pay the police located there. The Muhammadans were not so made to pay because it was considered that the Sikhs and Hindus were giving protection to Babbar Akalis. Please turn to the debates of the Legislative Council and the questions put by me and the answers given by Sir John Maynard to the questions that I put. There is the instance. The same thing should be done if the peace of the province is to be maintained. Government should make no distinction whether it is a Hindu government, or a Muhammadan government or a European government. Otherwise there will be no peace.

I would say that the taking out of processions with drawn swords and with other weapons of warfare should be prohibited. These processions to the tune of 20,000 or 40,000 pass through the streets of Lahore and other places and people have actually begun to think that the Government has ceased to function and those who have got murderous intentions begin to think that the old order has changed and some new order has come into being. Government should promptly prohibit such processions which come out with naked swords. No doubt the concession of keeping of swords has been given to the people but it does not mean that they should parade them in the streets and in the bazaars and the peaceful population should be given the impression that the old order has changed or that the ruffians should think that they would be permitted to parade about with drawn swords and armed with pick axes and hammers. I do feel that honourable members will cooperate with the Government wholeheartedly if Government is really going to hold the scales even between the various communities. Whatever wrong impression there may be it is the duty of Government to remove it at the earliest possible opportunity and I know respectable Muhammadans, responsible Muhammadans, Hindus and Sikhs are all very anxious that the peaceful atmosphere should prevail once more and that the communities which have lived in peace in this province and want to live in peace and want to take the full advantage of the reforms should be permitted to do so, and they do feel that some very strong and prompt action is needed at the hands of Government.

Sardar Sahib Sardar Ujjal Singh (Sikh, Urban) : A most brutal, cowardly and unprovoked attack made on Jiwan Singh a few days after the murder of Bishan Singh has created a sense of insecurity and terror in the province. If it were a solitary instance of its kind we would have left it alone but unfortunately it is one of a series started four months back. The circumstances of this particular instance are very tragic. Jiwan Singh

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is a prominent Akali worker. He is said to have taken active part in Shahid-ganj affair. He is an electrician by profession. He passes through a thickly populated bazaar after performing his day's work. All of a sudden he is attacked by two or three persons. No one comes to his rescue. No one tries to catch the perpetrator of this heinous crime. Not only that, the most inhuman part of the affair follows. He is allowed to remain on the street bleeding and almost dead. No one in that locality renders him even first-aid. No one in that bazaar tries to take him to the hospital or to the police station, till a young Sikh comes and takes him in a tonga to the police station. The whole population in that locality has been watching the fun in a manner in which such brutal deeds were watched in the old Roman Forum. Even in the open warfare the deadliest of enemy is not treated in such callous and inhuman manner in which Jiwan Singh was treated by the Muslim population of that locality. (*An honourable member*: Question.)

Chaudhri Allah Dad Khan : Is the honourable member quite certain of the locality? Even the police have not yet come to any conclusion as to where he was stabbed.

Sardar Sahib Sardar Ujjal Singh : It has been definitely stated that he was stabbed in the Sheikupurian bazar and that locality happens to be a predominantly Muslim locality.

Pir Akbar Ali : The honourable member is condemning a whole community without stating facts.

Mr. President : Is that a point of order?

Pir Akbar Ali : Yes, Sir, I think it is.

Sardar Sahib Sardar Ujjal Singh : An attempt to murder an innocent person in such tragic circumstances requires to be condemned universally and particularly so by the followers of the Muslim faith for the supposed promotion of which the assailants are alleged to have perpetrated this detardly crime. (*An honourable member*: Question.) Rather than condemn this action a section of the Muslim Press has tried to throw mud on the incident and has tried to debase the victim. Condemnation, spontaneous and immediate would have soothed the wounded feelings of the Sikhs and would have had the effect of discouraging such crimes in future, but not a word has so far been said except to-day on the floor of this House. All honour to those who in the last murder of Bishen Singh condemned the action of the assailants, but it is a matter for the greatest regret that such actions have not been universally condemned by the Muslim public in general. The duty of the Government is clear in a matter like this. It must ruthlessly suppress such terrorist crimes. It must assure by deeds the panicky public of the province that it means to govern. Hindu and Sikh lives in this province have become unsafe. I do not say that in certain Muslim localities every Muslim is a murderer; but unfortunately the murder of Jiwan Singh has thrown a different light. Unless the population of that locality had some sympathy with the assailants, the assailants could not have made good their escape. The Government should treat these offenders and the people who sympathised with such assailants in the same way in which the Bengal Government were treating the Chitagon population. These places have become asylums of terrorist crimes

and unless Government takes up a firm attitude the danger is that crimes of this nature will multiply.

Another great source of this evil is the gutter Press of the province. (*Hear, hear.*) The Government must control this gutter Press. If I may say so, it is mostly responsible for spreading communal hatred. (*Shaikh Muhammad Sadiq* : And also speeches in this Council.) Yes, also some of the speeches in this Council and the honourable member has no small share in that. If I may point out, one paper that goes by the name of *Shaukat* had the hardihood to use filthy language about the Sikh Gurus. Government must control such papers. I am not able to understand the object of these unprovoked attacks on innocent Sikhs. If the object of these misguided people is to overawe the Sikh community and to coerce them to surrender to their demands—

Chaudhri Allah Dad Khan : Is it proper for the honourable member to say that a Muslim was concerned in this affair ? The culprit has not yet been detected.

Sardar Sahib Sardar Ujja Singh : If the object of these people is to coerce the Sikhs into surrendering to the demands of the Muslims, they are living in fools' paradise. There has been no retaliation on the part of the Sikhs. That goes to the credit of the Sikhs. It is not a sign of the fact that the Sikh are demoralised. The Sikhs do not believe in such cowardly acts, the Sikhs believe in open fight and not in such inhuman deeds. I do not know how long the Government is going to allow such crimes to be perpetrated. The Government should move all the machinery at its disposal and mobilise all its force to stop such assaults on innocent and law-abiding citizens. The evil is spreading rapidly and it should be nipped in the bud. In this task of suppressing lawlessness I believe the Government will have full support of this House and the full support of all right-thinking citizens. (*Hear, hear.*)

Shaikh Muhammad Sadiq (Amritsar City, Muhammadan, Urban) : I unreservedly and without any hesitation condemn all murders and murderous attacks by Muslims on Sikhs and Hindus and by Hindus and Sikhs on Muslims. It is not only a question of Jiwan Singh being murderously attacked. We stand here to condemn all murders whether perpetrated by one community or another. Just as man is controlled by five senses, a community and a nation ought to be controlled by the five senses, namely honour, humour, toleration, sense of proportion and common sense. (*Hear, hear.*) I am sorry to find that the speeches in this House are devoid of at least one sense, sense of proportion. I strongly resent this foisting of all blame on the Muslim community. This will have only one result and that will be to proclaim to the world that the people of the Punjab did not condemn such murders. I ask my honourable friend, is it necessary for all Muslims that as soon as a Sikh is killed they should at once howl that they condemn the murder ? At that rate what about the several murders that are being daily committed all over the province by the Sikhs themselves ? Has my friend raised a single voice against those murders ? That is not the practice in this province. We do condemn this murderous assault. Every Muslim child and every Muslim adult condemns this assault made on the Sikh gentleman. But it should not be for the honourable members to call

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upon us to condemn through papers and resolutions every such act. Such acts stand self-condemned once for all.

Now, what is the position? As soon as the assault took place all Muslim papers condemned it. I never expected my learned friend on my right (Sardar Sahib Ujjal Singh) to make such a venomous attack. It is not fair on his part to say, if a murderous attack takes place in Hira Mandi, a notorious place in Lahore where prostitutes live, that because that attack was made by a Muslim, so all Muslims should be blamed for it. Again he complained that no Muslim came to the help of that gentleman when he was lying wounded. I refuse to believe that statement unless there is evidence clearly to that effect. (*An honourable member* : But no one took him to the hospital.) I am not in the police department and so I am not in a position to say anything on the matter. Unless these facts come to light in a court of law I refuse to believe any of them. I strongly resent that these attacks should be given a communal colouring. Murders are taking place in the Punjab almost every day. (*Sardar Sahib Ujjal Singh* : But is this an ordinary murder?) My friend has in his brain that this is a special murder. I am sorry but there is no proof of it yet. I have already said that every Muslim condemns this murderous attack. He should be satisfied with it.

A remark was made that these Muslims carry swords and hatchets. For 75 years my Sikh friends never carried swords. I did not want to refer to this matter, but I have been forced to make some remarks about it. (*Interruption*) I do want peace in this country.

The Honourable Dr. Sir Gokul Chand Narang : Then please talk more peacefully.

Shaikh Muhammad Sadiq : Sir, the Honourable Minister knows that I never make a wild or provocative speech. Only God has given me very powerful voice.

Mr. President : The honourable member is, no doubt, endowed with a very loud and strong voice. But if he speaks a little less loudly and less rapidly his speech will be better understood and more appreciated.

Shaikh Muhammad Sadiq : I may assure my honourable friend that the lives, honour and property of Sikhs and Hindus will always be safe in the hands of Muslims. We look upon them as our brothers. We do not make any difference between one human being and another. But if unfortunately such cases occur as the present one under consideration, for which we are all very sorry, they must also remember that in many cases Sikhs have killed Muslims. We must also remember that a Muslim is very sensitive and will not tolerate his religion or the Holy Prophet being attacked or that any insulting word being uttered against Islam. (*An honourable member* : Nobody has attacked the Muslim religion.) I may also tell them that if a single Muslim behaves in an improper way the whole community should not be condemned for that. The whole community cannot be responsible for the acts of a few individuals. For 75 years there was no question of kirpan. All at once the Sikh friends woke up and said that this kirpan was an implement of their religion and began to carry them without permission from the Government. Now that the sword has been exempted from the operation of the Arms Act the Muslims also have begun to carry a

sword. Why should the Sikhs grumble at this? For two years the Sikhs in Amritsar, hundreds and thousands of them, were carrying naked swords in processions and no Muslim complained about that. But now that the Muslims carry swords I do not see that the Sikhs can make a complaint of it. I do condemn murders and murderous attacks.

Sardar Bahadur Sardar Buta Singh : What we say is, do not stab us in the dark.

Shaikh Muhammad Sadiq : What I am saying I am saying openly on the floor of this House ; there is no back and there is no stabbing. The honourable Sikh members appeal to us and to the House that we should condemn such actions ; but they say these things in a provocative manner. Do they think that by these small pin-pricks the political status of this country is going to be affected? In other words they should come and appeal to the good sense of the Muslims instead of starting these pin-pricks. We are all human beings as such we are brothers. It is our duty to live in peace for the sake of the prosperity and happiness of the country and if we possess different religions, it is our duty to live in peace with each other. If God has willed that we must live, then what right have we to take another's life simply because he is a Muslim, a Hindu or a Sikh? Now in Bishan Singh's murder case who are the chief witnesses? They are Muslims. Does this not sufficiently show, when Muslims have come forward to give evidence, that their heart is sound and that they are not actuated by base motives? My friend ought to have appreciated it. On the other hand he has tried to pour oil on the burning fire. Instead of stopping these things and trying to minimise the thing, they want to give the incident a bigger status than it really possesses. An ordinary thing, an attempt to murder, should not be brought into this House as if it was a gang of Muslims trying to do such things. I can quote an instance which happened in Amritsar where two Sikhs were quarrelling and a Muslim asked why they were quarrelling and he was stabbed by them. Does this mean that I should say that all the Sikhs in the province have joined in an attempt to kill Muslims? Now my honourable friend who bears the name of Guru Baba Nanak, the great peacemaker, but acts in a contrary way says, employ punitive police. Would he have liked if punitive police had been employed in his vicinity where Bhagat Singh killed Mr. Saunders? (*Mr. Nanak Chand Pandit :* I do not mind). I do not believe it, but probably he has many clients to rob, so he does not mind. I appeal to all my friends, let us have good-will and that can only be done by minimising these things. Let us sit together and consider all *pros* and *cons*. If they had any difficulty they ought to have come to us and we would have condemned such actions strongly. But to rush this matter to the House without our knowledge, without our consultation and make provocative speeches which will appear in the press with provocative headlines, will this help the people of the Punjab? It is for them not to make a political capital of this incident but put it at its own value. A murder has been committed. If it is proved that some Muslims have intentionally murdered the man, let the men concerned be hanged. They should certainly be hanged and if it is found that no person helped the victim, we should condemn them. They are cowards ; they are brutes or worse than that, whether they are Muslims or anybody else. But to make

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a political capital and try to show that it is all communal and to call Government by names and say that it was done on account of the Shahid Ganj affair and so on, is not right. I know Government is to blame to a great extent. But did the Government force the Sikhs to demolish the Shahidganj mosque? Had the Sikhs not the sense to know that the demolition of the mosque would exasperate the Muslims? Have we not the sense to realise that if Muslims murder the Sikhs and Sikhs murder the Muslims then we would exasperate each other. But to say, we are good people and only Government are rascals, I do not believe in that. We do not want to rise to the height to which, for instance, the English people have risen. We are pigmies. Our intention may be good. But our actions are rotten. For their own interests and for their own benefit they are trying to put the whole of India on fire. Condemn the Government; but first condemn yourselves also.

The Honourable Sardar Sir Jogendra Singh (Minister for Agriculture) : It is with a deep sense of humiliation that I have heard this debate and I trust that this sense of humiliation is shared by every member of this House. (*Hear, hear.*) We who are standing on the threshold of a new constitution, what are we doing to equip ourselves for the task that awaits us? Indeed the fair name of the Punjab is being tarnished by a series of crimes which we have been witnessing within the last few months. It is true that these crimes have been condemned and I am sure condemned with a full sense of responsibility. But we want something more than mere condemnation. We want purification of the hearts. (*Hear, hear.*) We want every Hindu, Muhammadan and Sikh to be animated by a new sense of fellow-feeling moving towards solidarity. We must make such crimes impossible in this province of ours. (*Hear, hear.*) As long as we can continue to provoke ill-feeling by processions, demonstrations and other means, we are not closing down the springs from which the poison flows. I do hope that all of us who have taken part in the debate and are present in this House to-day would carry with us the message of reconciliation; and the words of condemnation which we have uttered will not remain merely a lip condemnation. We would make this condemnation a reality, would uphold it in our private talks, in our friendly meetings, in our conferences and wherever we gather together. This kind of crime is eternally condemned and no Punjabi, whatever his race or religion should stand for or condone such a crime on any grounds whatsoever. (*Hear, hear.*) It lies with us now to create a better atmosphere. It is the duty of every citizen of whatever race or religion in this city of Lahore to co-operate in educating opinion and in controlling forces of disruption and disorder. You can rest assured that so far as the Government is concerned, we who are your representatives on these benches, will do our best to promote good-will and feelings of love and fellowship between all communities. (*Applause.*)

Diwan Bahadur Raja Narendra Nath (Punjab Landholders, General) : I will strictly abide by your advice, Mr. President, that nothing should be said in the course of the debate which would arouse bad feelings and inter-communal jealousies. I will, therefore, not refer to the facts of the case and the circumstances under which it has occurred, where it has occurred and why people did not come forward to arrest the assailant. This incident is

unfortunately one of a series of events which have lately occurred and it cannot be denied that communal tension at present is at its height. As observed by my honourable friend, Sardar Sir Jogendra Singh, it is most deplorable that this should be the state of things whilst we are on the threshold of getting and enjoying provincial autonomy. I will not allude to the immediate causes which have brought about this result. Those immediate causes have also some remote underlying causes to which these immediate causes on the surface are due. It cannot be denied that we are a people divided into communities, but I respectfully submit that it was a mistake to put a hall mark of approval on those divisions. However, we are not to deal with them now as the solution for it lies beyond our power or even beyond the power of the local Government. The mover of the motion has rightly suggested some measures. I will not deal with all of them, because some of them, I think, will lead to administrative complications which it will be difficult to solve. But I give my whole-hearted support to the suggestion which has been made by a prominent member of my party, the honourable member from Hoshiarpur, Pandit Nanak Chand, that demonstrative processions ought to stop and should not be allowed in the free manner in which they have been allowed, especially when these are taken with swords, hatchets, spears, etc. My honourable friend alluded to the mistake which was committed in the case of one murderer whose procession was allowed. Before that procession was taken I myself remonstrated before His Excellency the Governor that it was a mistake to give permission for it. Beyond this I should not say anything. But processions of all kinds on occasions like this must be stopped and should not be permitted to be taken out in such large numbers. Another suggestion which has been made is about exercising of control over the vernacular press. That, I believe, is already being exercised and it was right that some members of this Council invited the attention of Government to the necessity of exercising proper control. I am glad that the English press is comparatively better conducted and has been conducted in a better spirit. Beyond these suggestions I have nothing else to propose for the Government to adopt to create good feeling and to prevent a recurrence of such unfortunate incidents as have happened.

Of course to bring about a compromise between the communities is a very good thing to be desired, but the first thing which is essential in order to bring about the compromise is to improve the atmosphere and to lower the communal tension which we see. I call these measures superficial because there is something which lies deeper and about which we cannot do anything. However, even if these superficial measures are adopted, something will be achieved. With these words I resume my seat and I hope that there will be a genuine desire to promote good feelings between the communities.

The Honourable Malik Sir Firoz Khan Noon (Minister for Education): Every member of this House, I am sure, feels it his duty to uphold the dignity and sanctity of all laws. Unless there is that spirit and feeling in a legislature and in a country, it is impossible to carry on any administration. I say all laws, whether they are for the prevention of serious crimes or for smaller offences. There will not be a single member in this House or in this province who will not condemn the action of persons who break laws of the land. If our friends had realized the great value placed on human

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life in the Holy Quran and in the Islamic religion, it would not have taken them two minutes to realize that no Muslim who is a Muslim can condone or shut his eyes over a murder or a murderous assault. Just ponder for a few minutes and consider the trouble that is taken in bringing up a human being, in educating him and making him a useful citizen. You can then imagine the madness of a man who cuts short this valuable national asset. It is not necessary for our Sikh friends or for anybody to ask for sympathy on an occasion like this, because I believe humanity demands it, and every human being will sympathise with another human being in suffering. The fact that a particular assault has been made on a person and that certain members of a community do not come together and hold meetings in order to condemn that act does not mean that the members of that particular community do not condemn that action. I personally on several occasions have seen cases, definite cases, mentioned in the papers where a Sikh has assaulted and murdered Muslims even this summer. I read of a case where one Muslim was walking along with his nephews when he saw two Sikhs quarrelling with each other. He tried to make peace between the two. At this one of the Sikhs pulled out his kirpan and murdered him. Does it mean that Muslims should expect the Sikhs to collect together and condemn this? I know that every Sikh in his heart of hearts condemned it. I could quote the case of Harphul, a Hindu, who murdered 27 Muslims including a Government officer because they were Muslims. We know that every sane Hindu condemned it in his own mind. I know that every sane Muslim condemns all murders of Sikhs by Muslims or murders of Hindus by Muslims or of Muslims by Sikhs or Hindus. Unfortunately our province has now fallen into a state of affairs where all of us whether Hindus, Muslims or Sikhs have to hang our heads in shame. We quarrel over very petty matters forgetting that very large interests are at stake and when we think over this matter coolly and calmly, I am sure, everybody will regret having created this communal tension in this province. Therefore the sooner, we can bring this to a close, the better for us. I personally think that this difference of opinion over these religious matters between the Sikhs and Muslims is due to the fact that the Muslims do not know what the Quran says and the Sikhs do not know what the Granth Sahib says. We all know that very cordial relations existed between the Muslim Sufis and the Sikh saints. We also know that the foundation stone of the holiest of holy places of worship from the Sikh point of view was laid by a Muslim saint. If we knew our religions and our past, I am sure, we would try and restore the cordial relation that should exist between the two sister communities. I would appeal through this House to the whole province to try and avoid acts of provocation because provocation by one community leads to provocation by another. The sooner we realised that not even a coward can be cowed down by acts of provocation the better will it be from the point of view of peace, tranquillity and good-will of the province. Unfortunately in this country we seem to be divided into three definite communities and I have often thought of things which might remove these differences between us and lead us towards the path of becoming one nation which should be the goal of all sensible people who want the good of the province. One thing I would like to mention through you, Sir, to the members and to the public,

that at least in the matter of dress we can try and wear clothes that look alike so that when a man is walking through the streets of the city, it may be impossible for another man to guess whether he is a Hindu, a Muslim or a Sikh.

Mr. Manohar Lal : What about Sikhs ?

The Honourable Malik Sir Firoz Khan Noon : I am not touching that delicate problem. I have often read in the newspapers things which will be considered curious in other countries ; for instance, that a golf match was being played when a ball struck a Hindu boy and he was killed or that a Hindu or a Sikh or a Muslim fell down from a train and was killed ? Why on earth can you not say that a boy was killed or a man was killed. What has his religion to do with the death. I hope that the Press will also co-operate with us and try to bring about peace in this province and avoid saying things which are likely to create communal bickerings. This summer I was much interested to read in the newspapers that an Italian threw out a challenge to Major Atlee, a labour member of the House of Commons and who came out to this country as a member of the Simon Commission. The Italian said "we have a difference of opinion on a particular point let us have a duel, come and fight it out with pistols." Major Atlee simply ignored the challenge and replied that civilized people had means other than shedding blood to decide their differences of opinion. I think we ought to take a lesson from that and we ought to adopt constitutional and lawful means for deciding our differences. A suggestion has been made by certain members of this House that processions ought to be stopped. I do not think that there is anybody in this House or in this country who does not realize the dangers that are involved in these processions. I have often talked these matters over with Muslim leaders of Lahore and they realize that taking out of processions is a very dangerous affair. The procession may be peaceful but some mischief maker from one of the houses of the street may throw a brickbat on the procession, immediately a misunderstanding will arise and the people will start fighting with each other and thus a riot is started. The matter gets entirely out of the hands of the leaders who are unable to control the mob. Therefore I think the suggestion has a good deal of sense in it and I hope that all communities will realize the dangers of these to the citizens of a peaceful city like Lahore. In the end through you, Sir, I would like to appeal to all sections of this House and the public to try and restore communal peace and amity as soon as possible so that we may feel proud of living in a peaceful and progressive country. (*Hear, hear.*)

Sardar Sampuran Singh (Lyallpur, Sikh, Rural) : We feel very much gratified to hear the sense of condemnation from all parts of the House and to know that so far as the condemnation of this offence is concerned the whole House is one, but I cannot help replying to some of the insinuations which have been made so far as this political incident is concerned. I was one of those people who reached the hospital where this gentleman Bawa Jiwan Singh was taken soon after this dastardly attack upon him. I happened to be the first man to put him questions and as a matter of fact I made notes about his statement and it was in my presence that the Magistrate arrived and took his statement. It is quite correct to say that he wa,

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going from his work of an electrician, which he was doing in a tailor's shop, whose name I have now forgotten. He left that place and was proceeding towards the Khalsa High School. When he arrived at the corner of Sheikhpurian Bazar, he was attacked by three Muhammadans. One gave him a slap on the face, and the other gave him a knife thrust on his forehead and the third gave him a knife thrust in the abdomen. He fell down. This is all recorded in the statement taken by the Magistrate. He also stated that all shopkeepers around him were sitting in their shops and nobody approached to help him. He raised a hue and cry, and later became senseless for some time, and it was after sometime that a Sikh student came whose name he did not know and whom he called Sardar Sahib. It has been indirectly insinuated that there was some brawl which led to this crime. This is totally wrong. If it were so, he would have given the Magistrate the names of his assailants or he would have at least given their names to me. Because such a brawl would indicate previous acquaintance. Those persons who attacked him had no enmity with him before that. He did not know them before. And therefore it is quite clear that he was attacked because he was a Sikh and that people who attacked him attacked him because they were Muhammadans. That is the only conclusion. I do not say I blame the entire Muhammadan community, nor do I blame any large number of that community. But what I wish to convey is that there is a class of people in that community who are killing people simply because the latter happen to be Sikhs. Our object in bringing this motion before the House is to press on them that we have to produce the mentality of not appreciating this kind of offences of condemning the same by condemning and bringing home to Muhammadans and their leaders that this House disapprove this kind of activities.

I want to say one or two things in reference to the speech of my honourable friend Chaudhri Afzal Haq. If, after my last statement, my friend is not yet satisfied I am ready to bring the people who owned that winch, the people who brought them and the vouchers and bills which we had to pay for the use of that winch. If the honourable member wants I can satisfy him personally on some other occasion, not only here but outside the House as well, if he so wishes.

The Honourable Mr. D. J. Boyd (Finance Member) : As was to be expected this murderous assault upon Jiwan Singh has been condemned from every quarter of the House. And though it was to be expected that that would occur it is gratifying that universal condemnation has been expressed. The Government must join in this condemnation and it has probably stronger reason than any quarter of the House for regretting this murderous assault and all those that have preceded it. In the first place, we deplore it on grounds of humanity just as everybody else does. In the second place, we deplore it because of the very serious risk of a general conflagration that continuous murderous assaults of a communal nature may cause. I am not going to prejudge this case at all, because up till now we do not know the facts. We do not know what has occurred. All we know is that Jiwan Singh was assaulted in a quarter, I should say, a low quarter of the town. There are one or two other facts known; one or two clues have been traced. But we are not yet in a position to say whether this was a communal murder

or whether the motives behind it were of another nature. But in any case it is quite clear that if assaults of this kind continue, the danger of a general conflagration is going to be very serious indeed. And I sincerely trust that members of the House will realise the serious position that we are in and will do their level best to remove the causes which lead to these murderous assaults. If by any chance the Sikhs were to lose their self-restraint and try to retaliate, there would at once be a blaze all over the province. So, I sincerely trust that this is the very last of the assaults of which we shall hear. Other honourable members have already expressed their regret that these assaults should give rise to an atmosphere which is most unsuitable for the introduction of the reforms which are coming in a little over a year's time. Government itself naturally is very anxious indeed that a calm atmosphere should prevail before the introduction of the reforms. And this is one extra ground why we deplore such murderous assaults. Again, it is quite obvious that assaults of this kind cause an immense amount of work and anxiety to Government officers. Our police in Lahore at the present moment are worked off their feet. It is extraordinary how well their patience has stood the daily trial to which they are exposed by having to work on cases of this kind by having to provide against trouble that may arise from processions, by accompanying these processions and at the same time standing the vilification to which they are as usual exposed. But above all we deplore this assault, because it is our duty, practically our fundamental duty, to preserve law and order. And for the sake of our own reputation we naturally feel the deepest regret that any disturbance to the public tranquillity should occur. I have mentioned all these reasons because the honourable member, Shaikh Muhammad Sadiq has said, Government is always wrong, Government is always to blame, but I think that his appeal to commonsense may again be made here. We have more reasons than anybody for deploring and trying to prevent murderous assaults. And the suggestion which was made in, I think, the opening speech that Government is supine in this matter because of some alleged alliance with the Muslim ranks is totally incorrect.

What are the causes of these murderous assaults? I think the causes are quite clearly the unfortunate atmosphere that is prevailing at present. This atmosphere is created in various ways; it is partly created in the Press, partly in speeches at meetings, partly by provocative processions, partly in the private conversations that go on all over the city. Various suggestions have been made to us for dealing with the causes of these troubles. We have been urged to prohibit processions carrying drawn swords or other weapons. We have been urged to keep the gutter Press in order. We have been urged to put punitive posts on the areas where these murderous assaults occur. I have noted each one of these suggestions and they will be very carefully considered. As the House is aware, we have already, and quite recently, taken action and severe action to curb the gutter Press. With regard to the other suggestions, all I can say is that I have noted them and they will be considered by Government. But the members of this House and the public generally have it much more in their own hand than has Government to stop these murderous assaults. It is by calming the atmosphere, by trying to live in a neighbourly way that feelings will calm down and quarrels will not find a fruitful ground for breaking into a real

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affray. It was just yesterday that the Inspector-General of Police himself was returning by the Multan Road and he suddenly found two Muslim boys and two Hindu boys having a scrap. By good luck the Inspector-General turned up at that moment. The crowd was quickly beginning to gather and had he not chanced there, I have no doubt there would have been a big riot probably attended by loss of life. Why I mention it is to show how difficult it is to prevent assaults when the atmosphere is surcharged with electricity and tempers are as high as they are at present. The only way to get them calm is to keep free from all provocative action, stop your processions, stop unpleasant and provocative writings in the Press, stop meetings at which provocative speeches are made and in your private conversations try to restrain yourselves and inculcate a neighbourly way of living.

Members may want to know what Government themselves have been doing up till now. This problem of serious communal feelings engages our attention every day and for a considerable part of every day. The actual cases themselves of assaults are very carefully investigated and in every one of them the investigation has been supervised by a European gazetted officer. This absolutely ensures fairplay and at the same time it ensures careful investigation. It also affords an opportunity for probing the possibility of a conspiracy lying behind these assaults. In the case of the last assault but one the Inspector-General of Police himself organised the investigation and instructed those engaged in it at every turn. His particular object was to probe the rumour that there was some conspiracy behind these attacks by one community upon another. He has been entirely satisfied that there is no organisation, no conspiracy whatever behind these attacks and that is at least one satisfactory result because we may hope that sporadic assaults will cease as soon as feelings get a little bit calmer. Patrolling by the police is done to the maximum both by night and day. In order to be able to do so and to preserve the peace we have raised a force of 300 additional police and are in the process of raising another force of the same number. That is to say, the ordinary police will be increased by 600 of whom 300 will be either Hindus or Sikhs so that no one community will have a monopoly of the ranks of the police. Another step that has been taken is that a list of dangerous "goondas" residing in certain parts of Lahore has been made by the police and action against them is being contemplated. I think that this particular action will have a very great effect indeed and will probably go farther than anything else to prevent a continuance of these assaults. Finally the police are, as members probably know, engaged in arresting and prosecuting those who carry unlicensed weapons—swords are allowed, kirpans are allowed—other weapons like spears are not allowed. And the police are at present conducting a campaign against them.

As my time is up I am afraid I cannot say anything more.

Mr. President : The question is—

That this Council do now stand adjourned.

The motion was carried.

Mr. President : I congratulate the honourable members, who have taken part in the debate, on the sobriety of the language in which they have made their speeches. With one or two exceptions, they were not exciting or provocative ; and I am glad that my disinclination, at the beginning to allow the Shahidganj affair being re-opened has, on the whole, proved effective.

THE PUNJAB STATE AID TO INDUSTRIES BILL.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government) : I beg to present the drafting committee's report on the Punjab State Aid to Industries Bill.

Mr. President : I propose to put to the vote of the House the amendments suggested by the drafting committee in their report which has been just presented by the Honourable Member in charge of the Bill.

The following amendments were then put from the chair and carried :—

1. In sub-clause (1) of clause 1, the figure "5" be added to the figures "193."
2. In clause 3, sub-clause 1 (d), the word "and" between the words "proportional representation" and the words "by means of the" be omitted.
3. In clause 9, all the words after the words and figure "in section 3" be omitted.
4. In clause 9, the following be inserted as a further proviso :
 "Provided further that any person so appointed, elected or nominated under this section shall be subject to retirement at the same time as if he had become a member of the Board on the day on which the member of the Board in whose place he is appointed, elected or nominated was last appointed, elected or nominated a member of the Board."
5. Clause 13 be recast as follows :
 "13. (1) The Board may make regulations consistent with this Act and the rules thereunder for the carrying out of all or any of its purposes.
 (2) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations regulating or determining all or any of the following matters, namely :—
 (i) the time and place of its meetings ;
 (ii) the manner in which notice of meetings shall be given ;
 (iii) the conduct of proceedings at meetings ;
 (iv) the division of duties among the members of the Board ; and
 (v) the appointment, duties and procedure of special committees consisting wholly of members of the Board or partly of such members and partly of other persons."
6. In clause 15, sub-clause (a), between the word "or" and the words "may be required," the word "as" be inserted.
7. In sub-clause (2) of clause 21, between the words "shall be liable" and the words "in the same manner" the words "for the repayment of the loan" be inserted.
8. In clause 29 the word "it" between the words "the said section or" and the words "the borrower disposes" be altered to "if."
9. In clause 31 between the words "guarantee by" and the word "Government" the words "the Local" be inserted.
10. In sub-clause (d) of clause 31 in place of the words "they consider" between the words "on such persons as" and the words "to be directly concerned" the words "it considers" be substituted.
11. In sub-clause (d) of clause 31, between the words "jointly and severally to refund to" and the word "Government" the words "the Local" be inserted.
12. In sub-clause (e) of clause 31 between the words "part of the sum paid by" and the word "Government" the words "the Local" should be inserted.

[Mr. President.]

13. In sub-clause (e) of clause 31, for the words "interest at the rate in force for Tacavi loans on the date of the agreement" the words "interest at the rate in force on the date of the agreement for loans granted under the Land Improvement Loans Act, 1933" be substituted.

14. In the proviso to clause 31 between the words "recoverable by" and the word "Government" the words "the Local" be added.

15. In clause 35 between the words "of money payable to" and the word "Government" the words "the Local" be added.

16. In sub-clause (b) of clause 38, between the words "nor remove the machinery" and the words "from the premises" the words "or any part thereof" be added.

17. In sub-clause (c) of clause 38 between the words "absolute property of" and the word "Government" the words "the Local" be added.

18. In sub-clause (e) of clause 38, between the words "void as against" and the word "Government" the words "the Local" be inserted.

19. In sub-clause (e) of clause 38 between the words "is the property of" and the word "Government" the words "the Local" be added.

20. In clause 41 for the word, figures and brackets "section 40 (2)," the following words, figures and brackets be substituted:—

"Sub-section (2) of section 40."

21. In clause 42 in place of the word "sub-section" in both places the word "clause" be substituted.

22. In sub-clause 2 (a) of clause 46 in place of the words, letters, figures and brackets "section 3 (1), (e), (f) and (g)" the following words, letters, figures and brackets be substituted:—

"clauses (e), (f) and (g) of sub-section (1) of section 3."

23. In sub-clause 2 (f) of clause 46, a comma followed by the word "and" should be inserted after the words "all interest due thereon if any."

Title.

24. In the heading, for the words "A Bill," the words "An Act" be substituted.

The Honourable Dr. Sir Gokul Chand Narang (Minister for Local Self-Government): I beg to move—

That the Punjab State Aid to Industries Bill be passed.

Mr. President: The motion is—

That the Punjab State Aid to Industries Bill be passed.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadian, Rural): I have no intention to oppose the passage of the Bill itself but there are just a few points which I should like to make clear so that it should not be understood that I or my party are satisfied with every clause of the Bill. There were certain points to which I drew the attention of the Honourable Minister in charge but he refused to accede to most of those points. I think I should once again draw the attention of the Government to those points. The composition of the Board of Industries is entirely unsatisfactory from my point of view. If it was necessary that industrial interests as such should be represented on this board there was no reason why agricultural interests as such should not also be represented on the board. Similarly there was need for labour being represented on that board. The plea of the Honourable Minister that the Government may be trusted to see that agricultural interests and labour interests are also properly represented on the board has no force. If the Government could be trusted to see justice done to labour and agricultural interests there is no reason to suppose that Government could not have been trusted to see justice done to industrial interests. Again, it is simply ridiculous that the three members of the board assigned to industrial

interests should be selected by three selected commercial bodies in this province. Those commercial bodies may disappear to-morrow, they may amalgamate or other commercial bodies may come into existence. Is it fair, is it reasonable that those three members should be definitely assigned to these three particular bodies? Suppose half a dozen more commercial chambers come into existence. Would it be right that these commercial chambers should be deprived of any voice in the election of these three members?

Then another point to which I wish to draw the attention of the House is the fact that whenever there is a competition between two industries one of which will consume provincial products and the other will not, then preference ought to be given to the industry which consumes provincial products. No notice was taken of this suggestion. I hope when the time comes for granting state aid this point will not be lost sight of.

Again, with regard to the question of guarantee, I desire to make just two suggestions. Whenever the Government is approached with a request to guarantee a certain amount of return on the capital, I hope Government will see that some proportional limit is fixed to expenditure. We should see that the return is fixed with reference to the actual amount of capital paid up. Another factor in the same connection which I should like to draw the attention of Government to is that overhead charges should not be allowed to go beyond a certain proportion of the paid-up capital. If these points are borne in mind the chances of any unnecessary loss to Government will be minimised. I also wish to draw the attention of the Finance Department to the need of caution in spending provincial revenues for granting aid to industries which are of doubtful prospects. Any demands for and any obligations in respect of state aid to industries should be very carefully scrutinised, particularly in view of the fact that our finances are not, at present, in a very prosperous condition.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): I am surprised that Rao Bahadur Chaudhri Chhotu Ram should have taken up the attitude with regard to this Bill which he and his party displayed throughout the discussions on this Bill. At the time of the last budget every member of his party came out with suggestions for improving the industries of the province and they even found fault with the Minister for Industries for not having done anything for the development of industries. But when a practical proposal is laid before them in the form of this Bill, not one with great possibilities of course, but one which contains the germs of future development at every stage and with reference to almost every clause which is calculated to benefit industry, opposition has been offered by the members of his party. (*An honourable member*: That is entirely wrong.) One of the provisions of this Bill was the constitution of an advisory board. It is only reasonable that the board should be a board of experts. Government had, however, made provision for the selection of only a few experts, that is persons who must be nominated by the chambers of commerce. Objection was at once raised that those experts should not be there, because they would not be agriculturists. No objection was at all raised to the selection by the Legislative Council which of course would not secure representation of experts. Efforts were made to bring in more agriculturists, more labourers, in fact more persons unconnected with industries

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than those connected with it. A Bill like that should have contained provisions for inclusion in the board of men like the Principal of the MacLagan Engineering College, Lahore, the Principal of the Agricultural College, Lyallpur and the Professor of Organic Chemistry of the Punjab University and such other men as *ex-officio* members of a board of that type. Instead of making a provision of that type the agriculturist party attacked it as if it were a board which was to distribute patronage and not to offer expert advice. Thus an effort was made to make the board as ineffective as possible.

Another matter which came prominently before the House was the various forms in which state aid could be given under the Act. The amendments moved by Rao Bahadur Chaudhri Chhotu Ram were calculated to decrease the forms of state aid to industry. Fortunately those amendments were not accepted by the House. As far as it lay in his power and in the power of his friends who professed lip sympathy with the industrial development of the province in the course of the budget debate, every effort was made to whittle down the forms in which that aid could be given. Again the only effective way in which the Bill hoped to help industry was by making available to possible industrialists money at reduced rate of interest. But as soon as this proposal came up there was an outcry, "Why not give agriculturists money at a reduced rate of interest also".

Mr. President : The honourable member is not speaking to the motion before the House.

Rai Bahadur Mr. Mukand Lal Puri : I am discussing the Punjab State Aid to Industries Bill.

Mr. President : No, the honourable member is not speaking to the motion.

Rai Bahadur Mr. Mukand Lal Puri : If you had allowed me to continue my remarks you would have observed that I was speaking to the motion. Efforts were made on the floor of this House, unfortunately those efforts were not successful.

Mr. President : The House is not at this stage concerned with those efforts.

Rai Bahadur Mr. Mukand Lal Puri : Efforts were made on the floor of the House to increase the rate of interest.

Mr. President : The honourable member is irrelevant.

Rai Bahadur Mr. Mukand Lal Puri : Please permit me to complete my sentence, before you give your ruling. The Bill as it emerged out of the select committee laid down a particular rate of interest.

Mr. President : If the honourable member persists in irrelevance, I am afraid, I shall have to ask him to resume his seat.

Rai Bahadur Mr. Mukand Lal Puri : I submit that this House has deleted certain provisions which were to be found in the original Bill and which were approved by the select committee with respect to the rate of interest on the loans which had to be borrowed by industries. That was done with the help—

Mr. President : What has that to do with the motion before the House?

Rai Bahadur Mr. Mukand Lal Puri : What I say is that the good which was intended to be conferred by this Bill has been so whittled down by the efforts on the other side that it is for the House to consider whether it is worth while to proceed with the Bill any further.

Mr. President : The honourable member may oppose the Bill, when the motion for its passage is moved.

Rai Bahadur Mr. Mukand Lal Puri : What I am going to do will be seen presently. But what I wish to point out is that a salutary provision inserted by the Government and supported by the select committee was whittled down to the dictation and with the aid of the agriculturist majority in this House. I respectfully submit that I am afraid whether with this attitude of some members of the House this Bill will at all do any good to our province. I for one am very pessimistic about it. I am afraid that this Bill in their hands will share the same fate which the Pure Food Bill which was passed four years ago has suffered. I am afraid, with this mentality, the Bill will remain a dead letter and will not justify the time and trouble the Honourable Minister and this House have taken over it.

The Honourable Dr. Sir Gokul Chand Narang : I am not going to make a long speech at all. I only want to thank the House for the assistance that it lent me so ungrudgingly in seeing this Bill through. I know that I have not been able to comply with the desire of Rao Bahadur Chaudhri Chhotu Ram in respect of a number of his amendments. I very much regret it, but for reasons which I stated at the time, it was impossible for me to accept those amendments. I tried to meet the arguments which were advanced in favour of those amendments which were rejected and I found myself unable—I say that with great regret—to meet with the desire of the Leader of the Unionist Party. Those amendments which appealed to me I ungrudgingly accepted and the members of this House may remember that several of the amendments were accepted. I may assure the House that the Bill as it has emerged out of this House is much better than it would have been with the amendments proposed by the opposition leader. I need not say that the apprehension that labour and agriculture have not found proper representation or express representation on the board is really unfounded. I need not go into all the things that I said in this connection. Under the present constitution of the Council and under the constitution of the new Assembly there is no justification whatsoever for entertaining any apprehension that agriculture and labour would not find proper representation on this board. This board is after all intended not to distribute favours but only to tender advice and I have no doubt that the present Government and the Government that is to follow will always select the best men available representing all interests. As regards his grievance with respect to the amendment relating to preference being given to those industries which use the products of the province, I am not to blame if it was rejected. If anybody is to blame it is the honourable mover himself. He drafted that amendment too wide. I was unable to accept it as it was drafted. It is possible that if he had not made that amendment a bit wide I might have accepted it. His amendment was that preference shall *always* be

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 given to certain industries. That was too tall an order to be accepted by Government. Unfortunately something happened at the time when this amendment was before the House and I had no opportunity to speak, otherwise perhaps I would have asked the honourable mover to amend his amendment and his amended amendment might have been accepted. But that was a pure accident. I need not say anything more except that I am very grateful to the House for the help that it gave me in seeing this Bill through the Council.

Mr. President : The question is—

That the Punjab State Aid to Industries Bill be passed.

The motion was carried.

THE PUNJAB DEBTORS' PROTECTION BILL.

Rao Bahadur Chaudhri Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural) : I beg to present the report of the drafting committee on the Punjab Debtors' Protection Bill.

Mr. President : I will now put to the vote of the House the amendments recommended by the drafting committee.

The following amendments were then put from the chair and adopted by the Council :—

1. Before the Preamble of the Bill in place of the words "A Bill" the words "An Act" be substituted.
2. Sub-clause (3) of clause 1 be deleted and in its place the words "it shall come into force at once" be substituted.
3. (a) In sub-clause (2) of clause 2, between the words "the United Kingdom or" and the word "any" the word "in" be inserted and between the words "incorporated by" and the words "Act of Parliament" the word "an" be inserted.
 (b) In the same clause to preserve the alphabetical order of the definitions the definition of "Interest" should be placed after that of "Court" and be numbered (5); as a consequence "Loans" be numbered (6) and "Money-lender" (7).
 (c) In the definition of "Loan" sub-clause (i) in place of the words "Government Post Office Bank" the words "Post Office Savings Bank" be inserted and after the words "any other Bank" a comma be inserted.
 (d) In the same definition, sub-clause (ii) at the end of the sub-clause after the words "any other enactment" the words "for the time being in force" be inserted.
 (e) In sub-clause (iii) of the same definition before the word "Government" where it occurs twice the words "the Local" be inserted.
 (f) In sub-clause (iv) of the same definition in place of the words "the Companies Act" the words "the Indian Companies Act, 1913" be inserted.
 (g) In sub-clause (v) of the same definition between the words "to" and "trader" the word "a" be inserted.
4. In clause 5 after the words "income from all sources" the comma be deleted and between the words "except such" and the words "as is" the word "income" be inserted.
5. In clause 6 between the words "aggrieved by an order" and the words "under section 4 or 5" the words "of the Collector" be inserted.
6. In sub-clause (2) of clause 10 between the words "sale in" and the word "execution" the word "the" be inserted.
7. In clause 11 the brackets and figure "(1)" be removed from before the words "where an application" and placed before the words "Notwithstanding anything to the contrary."
8. In clause 12 in place of the words, figures and brackets "section 58 (1) (c)" the following words, figures and brackets be inserted :—
 "Clause (c) of sub-section (1) of section 58,"

9. Clause 13 be deleted.

10. In the Preamble in place of the words, figures, letter and brackets "under section 80-A (3)" the following words, figures, letter and brackets be substituted:—

"Under sub-section (3) of section 80-A."

Rao Bahadur Chhotu Ram (South-East Rohtak, non-Muhammadan, Rural): I move—

That the Punjab Debtors' Protection Bill be passed.

There is no argument which could have been advanced either for or against the Bill which has not already been advanced on the floor of the House more than once. Therefore I do not propose to make any speech on this motion.

5 P. M.

Mr. President: Motion moved is—

That the Punjab Debtors' Protection Bill be passed.

Rai Bahadur Mr. Mukand Lal Puri (Punjab Industries): Sir, I will follow the example of the mover of this Bill by confining my opposition to very brief remarks. I can very well understand his reason, the reason which induced him not to make any further comments. The reason is that he has won all along the line. There were provisions in the Bill relating to registration and licensing of money-lenders. But the Bill contained a provision, in view of the fact that this was an impracticable proposition at the present moment, that the provisions relating to registration and licensing of moneylenders, i.e., provisions of Part IV were only to come into force on such date as the Local Government may by notification appoint in this behalf, i.e., only when the Government may be of opinion that a suitable opportunity had arrived. Therefore as far as the provisions which were to come into force at once his effort has been completely successful. What has been stated on the floor of the House therefore with respect to the various provisions of this Bill applies to it to-day as much as it did when it was being discussed clause by clause. The effect of making a statutory provision for providing maintenance for the family of a judgment-debtor and an insolvent is to make the security of the statutory agriculturist debtor to a zero, that is reducing it to a vanishing point. This is the provision with respect to which competent observers have pointed out that it is expropriation and exploitation, sheer and simple. Now, Sir, you would readily see how it is so. The average holding in this province is about 8 or 9 acres. Now if the landlord's share of that holding is to be taken that would hardly be ever sufficient, unaided by the other resources of the judgment-debtor, for the subsistence of his family. Therefore, the average holder of land in this province, belonging to a statutory agricultural tribe, whose land is immune from sale by this legislation, his land has now been rendered immune from temporary alienation for lease for 20 years which was permissible under the Land Alienation Act. I am afraid, Sir, that this immunity will be claimed not only by the owner of the average holding but will be claimed by persons who possess a much larger area. Taking a district like Amritsar or Gurdaspur, for example, the average rent or the average batai or the average rent in cash which is available to the landlord is between Rs. 3 and 4 per bigah; let us take it at Rs. 4 per bigah. Deducting land revenue which ranges between annas 14 and Re. 1-2-0 and taking an average of Re. 1 it leaves Rs. 3 which is available for the

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landlord. If a landlord were to claim subsistence for himself and his family, let us say at the rate of annas 4 per individual, which is the lowest rate available for civil prisoners, for a family of five, he would be requiring Rs. 87-8-0 per month or Rs. 450 per year. Perhaps 4 annas per day is too much. Take it even at two annas. Now how many bighas of land should be immune from lease before this statutory provision for subsistence is given effect to? Previously no doubt there were directions given to the collectors and to the civil courts to provide for the maintenance of the debtors; but that rested upon the discretion of the courts and the judgment-debtor could not insist upon it as a matter of right, and he was content with what the courts and the collector gave him. When it is made a statutory right, things would be different. The Government unfortunately failed to carry through its amendments containing the words "other resources." That is very unfortunate. The amendment passed in the House in its place on the spur of the moment does not fully carry out the original intention of the Government. This provision is expropriative, pure and simple and it is to apply retrospectively. So far as the members of the statutory agricultural tribes are concerned, their present debts which were difficult to be realised even in part previously have now become absolutely impossible of realisation. No improvement has been made in the Bill in this Council which would in any way not justify the criticism which has been made upon it by competent officers that these provisions, if left as they are, mean the wiping out of the entire debt in its entirety, due from members of statutory agricultural tribes, coupled with the previous legislation of course. Therefore, I reiterate the opinion of the joint committee of the Northern India Chamber of Commerce and the Punjab Chamber of Commerce that this legislation is expropriatory in its nature. The argument of Rao Bahadur Chaudhri Chhotu Ram that the interests of a few are to be sacrificed for the interests of many, if it is good, I submit, is also a very dangerous argument indeed. It was pointed out yesterday by Honourable Sir Jogendra Singh, Minister for Agriculture, and quite correctly from reliable data that the total number of landlords, people who own land in this province are less than 20 per cent. of the population of this province. Therefore, would it be a fair proposition to put to Chaudhri Chhotu Ram that this 20 per cent. of the population should share their land more equitably in the interest of the rest of the population who are landless and who have nothing to fall back upon? The iniquity of this provision is that this provision for maintenance is not enacted for the benefit of the poor. You would realise that a shopkeeper, a trader, an artisan, a carpenter, a *lohar*, a *dhoby*, a tailor, a tradesman, a merchant—if a decree is passed against any of them, their entire property is liable to be sold, including whatever land or houses including the scales and weights that they may own and out of that property no maintenance is secured to them. Of course there is a provision in our Civil Procedure Code, that a debtor may be allowed to retain a moiety of what he earns by his personal effort for his maintenance and the maintenance of his family. But no civilised system of administration has so far provided that out of his *property* a judgment-debtor may be allowed to maintain himself and his family at the expense of his creditors with whose money he may possibly have built up that property. In the case of statutory agriculturists, the sale of property has already been prohibited. Therefore

the corpus of the property is saved for them in any case. Only a usufruct for twenty years of landlords' share was the only property available for the creditor. This usufruct is also now saved to him by this Act by enacting a statutory obligation of providing subsistence for him and his family, out of this usufruct, before a creditor can get anything out of it. How can you say that this provision has been enacted to help the poor sections of the community? That is not a provision for the poor, that is a provision for the pampered rich, for the pampered propertied classes, for the pampered few, a provision for those who are owners of property and not landless tenants, a provision for those whose property is already safe from attachment. It is a provision for the richer classes of our province, who form far less than 20 per cent. of the population say 12 or 15 per cent. only. The landlords who number less than 20 per cent. of the population belong both to statutory agricultural tribes as well as to those who do not belong to statutory agricultural tribes. I own land and so does almost every member sitting on our benches, but we are not members of statutory agriculturist classes. The provision as to subsistence will only be claimed by members of agricultural tribes, because it is their land only which would be given on lease, the land of others will be sold. Therefore this provision for subsistence is being claimed for the privileged propertied men who form about 12 per cent. of the entire population.

Rao Bahadur Chaudhri Chhotu Ram : Are you prepared to make it wider?

Rai Bahadur Mr. Mukand Lal Puri : This question of lease as I have pointed out does not arise with respect to persons whose lands can be sold. It can never arise in the case of persons not protected by the Land Alienation Act, nor with respect to tenants. Therefore this subsistence which is being claimed is being claimed for that pampered class, which has got hold, somehow or other of the machinery of the Government in this province and which has been selfishly using the machinery of this Government to its own advantage, to the detriment of all the other classes of this province. The whole province knows to its cost that if there are any appointments to services to be made, the question is at once raised whether applicant is a statutory agriculturist or not. No tenant's son has ever been appointed. By manipulating the electoral machinery this particular class which is now wiping off its debts, has got a representation in Council out of all proportion to its proportion in the population, and during the last ten years, has used the governmental machinery to help itself at the expense of other communities in every sphere of life. They have been using it to get more employment for themselves, they have been using it to get grants of land for themselves and now they are using it to wipe off their debts. As I was pointing out this provision for subsistence out of property has been made in favour of the improvident few of a very limited class whose lands are already immune from sale. They should have been quite content with that protection. This is further an infringement of the oft repeated declaration of policy by the Government, that period of lease of twenty years shall not be reduced. Is it not being reduced by creating a statutory charge upon it in preference to debts. I say that this is very unfair and that this is a class measure of the worst type. So much with respect to maintenance. I crave the indulgence of the House for taking their time in this matter.

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because I had no occasion to speak on this clause before. With respect to the provision relating to ancestral property and the burden of proof, I do not wish to add anything to what has already been said by myself and various members yesterday. I can only say that this Bill rides rough shod over most of the important legal enactments of British India and if this Bill were named the "The Slaughter of Legal Enactments Bill" in the phraseology suggested to me by the speech of honourable the Legal Remembrancer or "The Creditors Expropriation Bill," they would be far better names, than the title given by the mover of the Bill. Sir, I oppose this Bill.

Mr. Nanak Chand Pandit (Hoshiarpur, non-Muhammadan, Rural) : I sympathise with the honourable members of the House who are anxious to go away. I myself am very anxious to go away. But duty requires, duty to my constituency and my conscience requires, that I must enter my strong protest even at this last stage when the Bill is going to be passed with the help of one party of this House. In the first place let me say this that with the passing of this Bill the credit system of this country, the old credit system of this country will be entirely destroyed and nobody knows what new system will replace it. I say deliberately that the old credit system which has existed here in India since the time of Kauravas and Pandavas and has subsisted through Muhammadan times and has come up to this time of the British Government, that system will be destroyed. I said in the beginning when I opposed the motion for consideration of the report of the select committee that the Bill has to be looked at from all points of view, one from the point of view of moneylenders and the other from the point of view of decree-holders. So far as the moneylenders are concerned, the registration of moneylenders has not been accepted by the Council. That part of the Bill was entirely out of keeping with the whole scheme of the Bill and the Council must be congratulated in not accepting that part.

Mr. President : The honourable member will please speak on the matters contained in the Bill.

Mr. Nanak Chand Pandit : The other part deals with the decree-holders, the Bill practically nullifies the decrees obtained in courts. It would be impossible for the creditors who have obtained decrees to get the fruits of their decrees and therefore I am submitting that the old money-lending system which was spread throughout the length and breadth of this province that system will be destroyed. Even such a person as Mr. Haig in the Legislative Assembly admitted this fact that the whole rural credit of India is dependent not only on the regular moneylenders but on the casual moneylenders. That system which supplied the needs of the rural community and which came to the help of the needy and which supported the widows and the orphans, that system I submit, is now entirely being destroyed as a result of the passing of this Bill in its present form. I respectfully say that this Bill, if passed, will hit hardest the small peasant proprietors, the poor men who live in villages of this province, and who cannot always command credit from banks and co-operative societies. We must not forget the condition in which the Punjab peasants, the labourers, the artisans, the shopkeepers and the traders in the villages live. There are

as I submitted before, no banks to which they can go and even if there are banks, they do not lend unless there is sufficient security. Now what possible security can an ordinary labourer who earns 6 annas or 4 annas a day offer and what security can a small peasant with a small piece of land give, and what security can a widow in trouble and at the time of need give? It would be impossible for people of this kind to get money from co-operative societies or from banks. It was the old sahukar who lived in the village and who knew his men and understood their habits and from whom he could realise his money who came to their rescue. But now the position in which the labourer, the position in which the artizan, is placed is difficult to imagine. I therefore do submit that these people who can offer no security to the banks either in the shape of land or house or even the lease of land will be hardest hit if this Bill is passed. There would be entirely no place for these people to go to and they will not be able to go to any person at the time of their extreme need. I submit that co-operative societies and banks are not under the purview of this Bill and therefore an unfortunate distinction has been made between creditors and lenders of one class and sahukars of the other class, a distinction which should not have been made by the Government, who should regard every class of lenders in the same way. Therefore I submit that it is hitting the small peasant proprietors the hardest. The third point that I would make is that the Bill, if passed, will bring into prominence the shylocks of every other kind, lawyers, doctors and Government servants of agricultural tribes.

Mr. President: The Council stands adjourned for 15 minutes, that is, till 5-45 to enable the Muslim members, who are fasting, to break their fast.

The Council re-assembled at quarter to six. Mr. President in the chair.

Mr. Nanak Chand Pandit: I was submitting that the Bill will really strengthen the shylocks, people who would always be prepared to take advantage of the poverty and the needs of other people. It will give birth, though that class exists even now to some extent, to a greater extent than now, to that class of people, agriculturist lawyers, Government servants, doctors and businessmen, who would try to swallow the land of the small peasant proprietor. If we consider and place before our minds the state of society which would exist after this Bill is passed and after this point is realised by the people that even decreeholders after five years of obtaining their decree cannot realise their dues, it would naturally be a state of society in which there would be no moneylending at all. The members of the agricultural tribes such of them as are lawyers, medical men and the like would be approached by the needy people and they would naturally grab the lands, houses and property of such needy borrowers. On the one side we see as a matter of fact in various districts it is the agriculturist landholder, the agriculturist lawyer or Government servant who has profited mostly by the Land Alienation Act. Even Mr. Darling has stated in his book that the Land Alienation Act has given an opportunity to the agriculturist moneylenders to rob right and left of course, I cannot quote Mr. Darling's actual words. We must remember there are 19 or 20 thousand non-agriculturist moneylenders and about that number of agriculturist moneylenders. And the agriculturist moneylenders will

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have to face no competition of any kind and will have the opportunity of his life and will really be looting right and left. That is a state of things which should not be permitted if we are in sympathy with the small peasant proprietor. As a matter of fact, Mr. Darling when talking of Muzaffargarh and other districts has pointed out that the landlords in that locality have been greatly benefited and that the small peasant proprietor and landowner has entirely been at the mercy of these classes. This process of exploitation which has been going on will be really completed by this Bill if it is passed in its present form. This is a matter for the honourable the Leader of the Unionist Party to take into consideration. I thought at one time that he was in sympathy with the small peasant proprietors, whether they belonged to the agricultural tribes or not. Really when he was proposing a clause to be put in the Bill I was of the opinion that we should really support the honourable member, Rao Bahadur Chaudhri Chhotu Ram, but on closer examination we found that it was merely a trick, and did not confer really any benefit.

Mr. President : The honourable member will please withdraw the word 'trick.'

Mr. Nanak Chand Pandit : I withdraw it. I meant to say device. We who believe that the non-agriculturist peasant proprietor should have the same privilege that is enjoyed under the Land Alienation Act by a particular tribe and class, found that it was not there and all this assertion on the part of the honourable member, Rao Bahadur Chaudhri Chhotu Ram was entirely groundless. I have carefully examined the provisions of the Bill at its final stage and it is quite clear that the small peasant proprietor will be the hardest hit, and as I have submitted, the agriculturist doctor, the agriculturist trader, the agriculturist moneylender, the agriculturist Government servant and the agriculturist lawyer would be the persons who would be greatly benefited beside the big landlords by this measure. That is undoubtedly a very serious situation and I trust that before His Excellency the Governor gives his assent to this legislation he will carefully take this point into consideration.

Next, I want to refer briefly to the two points which are contained in the Bill, namely, the provision with regard to ancestral property, limitation and the burden of proof. These are the most obnoxious clauses in the Bill. The term 'ancestral property' is such a wide term that no property can be excluded if it is once entered as ancestral property. It was stated by the honourable member for Lyallpur, Sardar Sampuran Singh, who is fortunately here now, that what the Act sought to legislate was what was in fact existing before. Unfortunately it seems that the honourable member has not read the decision in P. R. 4 of 1913. That decision was confined to land only, and it definitely stated that if agricultural land was charged by the holder of the land who took a debt that agricultural land could be brought in to pay the debts. I submit with all respect that that ruling was not based on any specific instances or *rivaj-i-ams*. Even the learned judges of the High Court had been feeling that P. R. 4 of 1913 had gone too far. That decision was really not a proper exposition of the custom that prevailed in the Punjab. The customary law is contained

in the *riwaj-i-ams* or in the *wajabul-arzes*. In no document, in no customary law or *riwaj-i-am* is it stated in any way that the just debts shall not be paid. I challenge my honourable friends on the other side to get up and show any *riwaj-i-am* exempting a just debt from payment. Unfortunately relying upon certain observations made in certain rulings logical inferences were drawn by the learned judges in P. R. 4 of 1913. I may mention, by the way, that I was present in the court when that case was argued. Unfortunately on account of the powerful eloquence of Pandit Shiv Narain, the people who were contending for the view did not succeed. I state this with full confidence that the learned judges in P. R. 17 of 1919 wanted to tone down the harshness of that ruling. I would submit this to Government that if they would carefully examine what is decided in P. R. 4 of 1913 and ransack the customary laws of the province through the *riwaj-i-ams* of various districts and *wajbul-arzes* they would find that nowhere in any document is there any mention that the just debt of any person shall not be paid by the heir or even by the next holder. What has been laid down by Hindu law, Muhammadan law and all other laws by which people are bound is that the just debts should be paid and it is an unholy thing not to pay them. This has been definitely laid down and is found in every system of law prevailing in this province. Therefore when the honourable member, Rao Bahadur Chaudhri Chhotu Ram was boasting that we are not here governed by Hindu or Muhammadan law but that we have got a code of our own, I would request him to show even from Rattigan's Digest on which he relied whether it is so laid down and in which part of the province, tribe, tahsil or town it is said that just debts are not to be paid. Leaving aside that ruling of a full bench of three judges in P. R. 4 of 1913 I ask honourable members to kindly show me anywhere by citing authority from *riwaj-i-ams* or other records of custom which lay down the proposition that even just debts should not be paid. That proposition is one to which I as a member of this Council and a representative of a rural constituency am not prepared to give my adherence. I must therefore protest in the name of those thousands of people whom I represent and who are honest men and who, if it is shown to them that just debts have been incurred, would like to pay them back. It is entirely a different matter if a person becomes an insolvent, if he is too poor or indigent to pay. There are creditors who meet such contingencies in the matter of repayment of the debt. But to rule it as a positive law, a positive enactment that in those circumstances the ancestral property of all kinds shall not be available is a monstrous proposition and the Council should not accept it. As I submitted in another connection when I was talking of the period of limitation, we are really putting a premium on dishonesty, we are inviting people to be dishonest and that, I submit, no civilised country, no legislature which is representative of civilised people should be prepared to do. It is entirely a different matter if the honourable Chaudhri Chhotu Ram or his friends come forward and say: "Persons are groaning under the burden of debt. Kindly find out methods and means of giving relief to them." But to rule it for all times, to place such a law on the statute book of this province, that even when there is property, ancestral property, ancestral houses, ancestral money available in the hands of a person and he can pay his debts he should not be permitted to pay. That I regard as unjust and unfair,

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that is what it comes to. Property is there, houses are there, lands are there, jewellery which has descended from ancestors is there, but the law says "you shall not pay even if you have the power to pay." That is exactly what Chaudhri Sahib wants us here in this Council as representatives of people who are honest to a great extent, to tell them. Government would be wise if they brought forward a Bill making such a law that interest shall not be paid by the people who have not got it and the principal shall be paid by Government. Government should come to the help of both creditors and debtors and say, we are prepared to grant a loan without interest to the borrower to be paid to the creditor and he should make it up in so many instalments. That is something which I can understand and to which I would give my full support. But what we are doing to-day is unheard of. Therefore even at this last minute I would ask my honourable friends who sit on my right, the members of the rural classes as they call themselves, the landlords and the lawyers and the retired Government servants not to accept a proposition of this kind. I know that I am talking to persons who would feel in their heart of hearts that such a state of things is unjust and unfair. Let them not for the sake of winning votes in future,—if that be their motive, I do not say that that is their motive, but if that be their motive—stand for a dishonest proposition. The honest proposition is that when a person has, he must pay. When he has not then some law should come to his help and laws do exist to help him. That, I submit, is one of the darkest blots on the clauses that have been passed.

Now, with regard to limitation, unfortunately I have not been able to understand how the Government supported that. What I have not been able to understand is the clause which was moved by one of the Government officials. This question of limitation was thoroughly discussed and explained on both sides and I do not find any justification for cutting down the period. When you have a judicial machinery in the country to which the dishonest people can resort and they can pass the six years in this way defeating the creditors by their dilatory tactics, why should you give protection to these people? That is the question which I put to the Government to consider when they are taking the whole matter into consideration. It is a thing which has been discussed by us as lawyers between ourselves and we regard it as a total negation of all legal principles which have governed this province so far. That is a matter which does require the serious consideration of Government and they must not—because they are out to sympathise with the debtors—they must not lead them on to the path of dishonesty. They must therefore make it a rule that any person who from dishonest motives adopts dilatory tactics or takes resort to courts or brings a false suit or raises false objections shall not have the protection of this law. On the other hand I find that for the honest person who wishes to pay his debt a limitation of twelve years was the proper limitation. He could have said, I will pay in twelve instalments, and in that way he would have been helped and he is helped. He generally finds this help from the creditors. You are now taking away that help from such a man and you are telling him to somehow pass these six years and his debts shall be wiped off *ipso facto*.

With regard to the burden of proof, a very learned speech was made by the Legal Remembrancer yesterday, and I do not want to add anything to it. After taking into consideration all these facts I would ask my honourable friends at this last minute that they should be honest and help honesty in this province. So far as their grievance against the sahuکار is concerned, they have got all the laws, laws which have been referred to by me on various occasions—the Usurious Loans Act, the Regulation of Accounts Act, the Relief of Indebtedness Act—all these are there. Now the person who is hit is not any one of these money-lenders but it is the person who has obtained a decree. The question is whether the Government will be a party and the Council will be a party to help the honest man who has obtained his decree or whether they will promote dishonesty in the land. That is the question. Let the Council decide.

Mr. F. H. Puckle : I beg to move—

That the question be now put.

The motion was carried.

Mr. President : The question is—

That the Punjab Debtors' Protection Bill be passed.

The motion was carried.

The Council then adjourned sine die.

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PUNJAB LEGISLATIVE COUNCIL.

APPENDIX.

Final answers to questions for which *ad interim* replies are printed in Volume XXVII of Council Debates.

ANSWERS TO STARRED QUESTIONS.

SOMA WATER ABOVE THE HEADWORKS, SULEMANKE.

(Answer to question No. *4540, pages 10-11 ante.)

The Honourable Nawab Muzaffar Khan : (a) Seventeen villages appear to be concerned and the position is that only 1,424 acres of land, which was originally uncultivated, was recorded as affected by *sem* in 1934-35, but as far as the cultivated area of these villages as a whole is concerned, there has been no decline as compared with the conditions prevailing before the completion of Sulemanke headworks ; the relevant figures being as follows :—

Cultivated area in 1923-24.

Acres.

11,578

Cultivated area in 1934-35.

Acres.

11,491

The difference of only 82 acres is negligible.

(b) Does not arise.

(c) The nature and extent of the damage do not justify any special measures. Government will, however, be prepared to consider on their merits any individual representations that may be made by the zamindars of the affected areas.

SUBORDINATE EDUCATION SERVICE.

(Answer to question No. *4532, pages 93-94 ante.)

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

(b) Yes. In a majority of the departments.

(c) Yes. In most of the provinces.

(d) and (e) The honourable member is referred to answers to parts (d) and (g) of my answer to question No. 1054¹ asked by Rai Bahadur Lala Sewak Ram in November, 1934.

(f) Yes.

(g) The honourable member is referred to the answer given to question No. 1945² asked by Lala Bodh Raj in 1925.

(h) No.

¹ Volume XXV, page 360.

² Volume VIII-B, page 1162.

PUNJAB RELIEF OF INDEBTEDNESS ACT AND WARRANTS OF ARREST.

(Answer to question No. *4639, page 179 ante.)

The Honourable Mr. D. J. Boyd : A supplementary statement containing the information required for the period 1st July, 1935, to 15th September, 1935, is attached.

Statement.

- (a) 45 (one released on bail).
 (b) 1835.
 (c) 701.
 (d) 15.
 (e) 261.
 (f) 12.
 (g) 11.

decretal amounts were—

Rs.	A.	P.
375	0	0
690	0	0
741	11	6
223	0	0
526	8	6
428	1	9
410	0	0
1,679	14	0
100	0	0
363	5	3
178	0	0

LAND BELONGING TO HER MUHDAHAIYAN IN ROHTAK.

(Answer to question No. *4644, pages 181-82 ante.)

The Honourable Nawab Muzaffar Khan : (a) 58 bighas and 17 biswas.

(b) The area was excluded from assessment and so it is very difficult to hazard an opinion as to what amount of land revenue would have been assessed on it by the settlement officer.

(c) The exact year is not known but the record of rights for the year 1879 shows this land to be in the possession of the Government.

(d) No.

(e) Does not arise.

(f) Does not arise.

(g) The land was obviously given over to Government by the land-owners free of cost for a public purpose and hence no question of rent or compensation arises.

DISTRICT INSPECTOR OF SCHOOLS, ROHTAK, AND THE NUMBER OF STUDENTS IN GOVERNMENT SCHOOLS.

(Answer to question No. *4655, page 234 ante.)

The Honourable Malik Sir Firoz Khan Noon : The fall in the number of students reading in Government schools during the two years preceding the time when the present district inspector of schools took over charge of the district was 67 and 89, respectively. The enrolment decreased in these schools by 7 in 1933-34 but increased by 27 in 1934-35.

STATUTORY AGRICULTURISTS AMONG EMPLOYEES IN CIVIL JUDICIAL
DEPARTMENT.

(Answer to question No. *4689, page 292 ante.)

The Honourable Mr. D. J. Boyd :

- (a) 81.
 (b) Muslims 24
 Non-Muslims 57
 (c) Muslims (24) .. Rs. 606 per mensem.
 Non-Muslims (57) .. Rs. 1,362-8-0 per mensem.
 (d) Member of statutory agricultural
 tribes 9
 Amount of monthly pay drawn
 by them Rs. 342.

ELEMENTARY SCHOOLS.

(Answer to question No. *4743, page 379 ante.)

The Honourable Malik Sir Firoz Khan Noon : A statement showing the required information is laid on the table—

Statement showing the number of aided elementary schools and their pupils in rural and urban areas separately in the province with their respective grants district-wise for the years 1981-32, 1932-33, 1933-34 and 1934-35.

DISTRICT.	YEAR.	NUMBER OF SCHOOLS.		NUMBER OF PUPILS.		GRANTS.	
		Rural.	Urban.	Rural.	Urban.	Rural.	Urban.
1	2	3	4	5	6	7	8
HISSAR.	1931-32 ..	31	12	1,240	1,087	6,582	3,291
	1932-33 ..	28	12	1,220	1,207	6,742	9,144
	1933-34 ..	25	13	970	1,205	4,737	4,890
	1934-35 ..	21	13	838	1,263	4,080	6,379
ROHTAK.	1931-32 ..	26	18	1,103	1,328	5,893	3,941
	1932-33 ..	11	15	380	1,162	1,687	3,656
	1933-34 ..	22	15	908	922	6,743	6,060
	1934-35 ..	..	..	..	..	..	..
GURGAON.	1931-32 ..	19	13	995	802	5,566	4,139
	1932-33 ..	9	8	551	470	3,663	3,813
	1933-34 ..	9	8	561	593	3,326	2,710
	1934-35 ..	8	8	515	563	2,941	3,118

APPENDIX.

DISTRICT.	YEAR.	NUMBER OF SCHOOLS.		NUMBER OF PUPILS.		GRANTS.	
		Rural.	Urban.	Rural.	Urban.	Rural.	Urban.
1	2	3	4	5	6	7	8
KARNAL.	1931-32 ..	9	20	415	622	1,333	11,991
	1932-33 ..	7	20	179	1,673	760	10,239
	1933-34 ..	7	20	191	1,804	566	12,165
	1934-35 ..	6	20	175	1,603	598	11,412
AMBALA.	1931-32 ..	38	18	1,522	1,575	7,828	6,424
	1932-33 ..	43	17	727	1,480	3,711	7,194
	1933-34 ..	11	11	683	747	3,225	4,208
	1934-35 ..	11	10	654	792	3,122	4,135
SIMLA.	1931-32 ..	..	3	..	104	..	993
	1932-33 ..	..	2	..	64	..	940
	1933-34 ..	..	2	..	74	..	761
	1934-35 ..	..	..	..	..	..	..
KANGRA.	1931-32 ..	55	3	2,555	151	12,374	642
	1932-33 ..	49	3	2,368	166	12,696	307
	1933-34 ..	51	3	2,324	160	11,055	1,002
	1934-35 ..	49	3	2,470	157	10,758	1,375
HOSHIAEPUR.	1931-32 ..	58	5	3,215	573	10,822	2,780
	1932-33 ..	46	6	2,449	778	10,067	3,938
	1933-34 ..	50	6	2,555	640	11,153	3,914
	1934-35 ..	52	7	2,817	682	11,865	4,209
JULLUNDUR.	1931-32 ..	24	5	1,719	353	6,782	1,697
	1932-33 ..	23	4	1,393	314	7,016	1,388
	1933-34 ..	26	5	1,326	331	6,703	1,522
	1934-35 ..	28	..	1,425	..	7,326	..
LUDHIANA.	1931-32 ..	29	16	1,922	2,310	9,071	11,721
	1932-33 ..	24	16	1,507	2,428	3,142	11,302
	1933-34 ..	27	18	1,741	2,717	9,452	12,557
	1934-35 ..	30	17	1,974	2,695	10,702	12,579

DISTRICT.	YEAR.	NUMBER OF SCHOOLS.		NUMBER OF PUPILS.		GRANTS.	
		Rural.	Urban.	Rural.	Urban.	Rural.	Urban.
1	2	3	4	5	6	7	8
FEROZPORE.	1931-32 ..	28	35	1,321	3,429	7,395	18,620
	1932-33 ..	29	34	1,148	3,458	6,627	16,701
	1933-34 ..	28	32	1,154	3,539	6,476	16,153
	1934-35 ..	33	33	1,353	3,771	6,705	16,243
LAHORE.	1931-32 ..	6	26	376	3,015	3,667	12,824
	1932-33 ..	8	25	516	2,934	2,929	16,855
	1933-34 ..	8	24	585	2,882	2,649	14,189
	1934-35 ..	10	34	703	3,079	2,730	16,730
AMRITSAR.	1931-32 ..	62	34	3,476	3,720	12,363	26,273
	1932-33 ..	62	34	3,470	4,050	12,300	28,027
	1933-34 ..	52	38	2,693	4,672	12,148	22,108
	1934-35 ..	50	41	2,593	5,294	10,269	25,217
GURDASPUR.	1931-32 ..	33	8	1,545	785	5,990	2,432
	1932-33 ..	25	6	1,232	573	5,207	2,509
	1933-34 ..	28	7	1,348	730	4,749	3,085
	1934-35 ..	27	6	1,246	530	4,699	2,878
SIALKOT.	1931-32 ..	57	13	2,719	1,791	29,884	3,997
	1932-33 ..	47	8	2,993	1,179	27,275	1,524
	1933-34 ..	44	12	3,388	1,197	28,514	2,614
	1934-35 ..	43	11	3,397	819	25,523	2,164
SHEKHUPURA.	1931-32 ..	11	1	535	91	869	513
	1932-33 ..	9	1	373	105	78	420
	1933-34 ..	7	1	326	96	*3,399	330
	1934-35 ..	6	1	247	84	1,640	351
GUJRANWALA.	1931-32 ..	12	10	567	945	2,002	4,723
	1932-33 ..	10	7	453	1,058	1,794	4,577
	1933-34 ..	12	8	454	1,181	2,367	3,953
	1934-35 ..	10	7	413	1,174	2,174	3,927

*Arrears of grant for 1931-32 and 1932-33 paid in 1933-34.

DISTRICT.	YEAR.		NUMBER OF SCHOOLS.		NUMBER OF PUPILS.		GRANTS.	
			Rural.	Urban.	Rural.	Urban.	Rural.	Urban.
RAWALPINDI.	1931-32	..	4	..	273	..	1,338	..
	1932-33	..	4	..	265	..	1,030	..
	1933-34	..	4	..	280	..	1,214	..
	1934-35	..	4	..	276	..	1,180	..
ATTOCK.	1931-32	..	82	12	4,162	1,338	14,352	7,943
	1932-33	..	72	10	2,785	1,136	8,934	9,942
	1933-34	..	65	10	2,609	1,269	10,654	8,559
	1934-35	..	30	11	1,314	1,218	6,088	9,520
GUJRAT.	1931-32	..	57	20	3,770	2,631	4,893	14,754
	1932-33	..	57	21	3,943	2,545	16,877	16,991
	1933-34	..	56	21	3,873	2,350	13,394	17,391
MIANWALI.	1931-32	..	51	21	3,204	2,682	12,396	13,634
	1932-33	..	9	7	488	737	2,768	3,814
	1933-34	..	8	6	564	722	2,115	4,211
	1934-35	..	8	8	515	838	2,618	4,083
SHARPUK.	1931-32	..	8	8	539	873	2,761	5,251
	1932-33	..	50	19	2,232	2,504	8,511	11,965
	1933-34	..	42	17	1,878	2,622	7,747	16,055
	1934-35	..	55	17	2,278	2,051	8,794	17,891
JHEJUM.	1931-32	..	61	17	2,578	2,541	10,696	13,992
	1932-33	..	40	3	1,680	576	10,175	928
	1933-34	..	32	2	2,012	371	10,578	1,802
	1934-35	..	32	4	1,942	526	9,902	1,546
MONTGOMERY.	1931-32	..	19	5	1,117	941	5,049	3,028
	1932-33	..	9	4	326	539	1,649	2,011
	1933-34	..	8	4	332	594	1,391	1,925
	1934-35	..	6	4	226	590	1,341	2,139
		..	7	4	292	641	1,611	2,364

DISTRICT.	YEAR.	NUMBER OF SCHOOLS.		NUMBER OF PUPILS.		GRANTS.	
		Rural.	Urban.	Rural.	Urban.	Rural.	Urban.
1	2	3	4	5	6	7	8
LYALLPUR.	1931-32 ..	13	3	811	229	2,873	909
	1932-33 ..	11	3	767	265	3,408	988
	1933-34 ..	11	4	745	324	3,336	1,060
	1934-35 ..	10	4	655	398	3,692	1,289
JHANG.	1931-32 ..	48	13	2,135	1,423	8,520	7,922
	1932-33 ..	45	13	2,114	1,512	8,458	7,464
	1933-34 ..	40	13	1,720	1,536	7,860	7,863
	1934-35 ..	35	13	1,569	1,552	5,751	7,604
MULTAN.	1931-32 ..	15	16	781	2,096	3,714	10,957
	1932-33 ..	15	16	782	2,155	3,835	11,658
	1933-34 ..	15	17	931	2,308	3,531	12,022
	1934-35 ..	15	18	828	2,301	*2,907	12,932
MUZAFFARGARH.	1931-32 ..	54	10	2,177	723	8,282	3,794
	1932-33 ..	43	9	1,968	771	6,154	3,760
	1933-34 ..	39	9	1,710	671	6,181	4,392
	1934-35 ..	40	9	1,634	644	6,297	4,220
DEEA GHAZI KHAN.	1931-32 ..	29	12	1,157	1,334	4,100	7,049
	1932-33 ..	27	12	1,225	1,378	4,583	7,359
	1933-34 ..	24	12	1,034	1,352	3,005	7,600
	1934-35 ..	28	12	1,020	1,301	3,982	7,478

*Grant of one school was not paid during 1934-35.

JUDICIAL FORMS.

(Answer to question No. *4820, page 457 ante.)

The Honourable Mr. D. J. Boyd : (a) There are only three judicial forms which strictly speaking come within the description in the honourable member's question. These three forms are—

Opening Sheet for Civil Appeals .. Sold at three pies per copy.

Opening Sheet for Revisions. .. Sold at three pies per copy.

Application for Compensation by Workmen—Form F. Sold at six pies per copy.

Workmen—Form F.

In the case of a number of other court applications it is the practice for litigants to use regular forms, which are printed and sold by non-official agencies. In many kutcheries one or more dealers are given an exclusive right to sell these forms within the limits of the court compound, this being generally put up annually to public auction; but there is no law or rule prohibiting litigants from using copies of these forms printed and sold elsewhere, or from using hand-written forms.

(b) Government have no special information, but believe that in some cases departmental forms are supplied to the public free of cost, in others not.

(c) In the case of the three judicial forms which alone are printed by official agency the charges made are designed solely to cover the cost of printing and distribution.

EXECUTION OF MONEY DECREES IN ROHTAK.

(Answer to question No. *4825, page 460 ante.)

The Honourable Mr. D. J. Boyd : It would not be possible to obtain this information without an examination of the records of all civil suits and execution applications disposed of by the Subordinate Judges in the Rohtak district during the years in question. To carry out such an examination would entail an expenditure of time and money out of proportion to the result to be attained and the Government regret that they cannot supply the information.

OBJECTIONS AGAINST ATTACHMENT OR SALE IN EXECUTION OF DECREES IN ROHTAK.

(Answer to question No. *4826, page 460 ante.)

The Honourable Mr. D. J. Boyd : It is not possible to obtain this information without an examination of the records of all civil suits and execution applications disposed of by the Subordinate Judges in the Rohtak district between the years 1933 and 1935. To make such an examination would entail an expenditure of time and money out of proportion to the result to be attained and the Government regret that they cannot supply the information.

CONCILIATION BOARD UNDER THE RELIEF OF INDEBTEDNESS ACT.

(Answer to question No. *4886, page 543 ante.)

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

Statement.

Serial No.	Jurisdiction.	Name of President and members.	Tribe.	Status and qualifications.	Date from which the Board was established.
1	Amritsar district (The whole).	<i>President.</i> Rai Sahib Lala Diwan Chand. <i>Members.</i> 1. Sardar Hardit Singh. 2. Ch. Ghulam Rasul.	Khatri. Jat Dhillon. Rajput	Retired extra assistant commissioner, honorary magistrate. Honorary magistrate. Zaildar and jagirdar.	11th September, 1935.
2	Jhang district (The whole).	<i>President.</i> Khan Bahadur Mian Ghulam Rasul. <i>Members.</i> 1. Rai Bahadur Lala Girdhari Lal. 2. Mohd. Husain Shah.	Thahim Jat. Khatri Dhal. Sayad ..	Retired deputy superintendent of police, lambarbardar, municipal commissioner. Honorary magistrate, honorary sub-judge, sub-registrar, and joint registrar (retired), lambarbardar; member, district board. <i>Sufedposh</i> and member, district board.	11th September 1935.
3	Panipat tahsil (Karnal district).	<i>President.</i> Khan Saddiq Ahmad Khan. <i>Members.</i> 1. Lala Deep Chand. 2. Ch a u d h r i Naurang Singh.	Pathan Mahajan Ror ..	Retired extra assistant commissioner. Member, district board. A zaildar who has done particularly good work for agriculture and for the Co-operative, Education and Veterinary Departments.	2nd October, 1935.
4	Garh Shankar tahsil (Hoshiarpur district).	<i>President.</i> Rai Sahib Lala Shiv Shanakar. <i>Members.</i> 1. Subedar Major Manohar Singh. 2. Ch a u d h r i Ghulam Mustafa.	Vaish Aggarwal. Jat Sikh Muslim Rajput.	Retired extra assistant commissioner. Ex-army officer and zaildar. Zaildar.	11th September, 1935.

ASSESSMENT OF PROFESSIONAL TAX BY THE DISTRICT BOARD, FEROZEPORE.

*(Answer to question No. *4906, page 604 ante.)***The Honourable Dr. Sir Gokul Chand Narang :** (a) Yes.

(b) Yes.

(c) The assessee did file some objections but the objections were not rejected arbitrarily. Three of the eight objections were accepted. The petitioners were not summoned as under the directions published with Punjab Government notification No. 20259, dated the 14th September, 1925, it is not incumbent on the Board to inquire into the objections filed by the assessee. The Board made inquiries into these objections through circle members, but they did not consider it necessary to summon the petitioners.

(d) The practice referred to in clause (b) has existed for some years.

(e) Government do not propose to take any action as an appeal from the assessments made by the Board lies to the Commissioner and it has been ascertained that no such appeal has been made in recent years.

SPEECH BY M. IHSAN AHMAD, AN AHRAR, IN CHAUK AKBAR SHAH,
FEROZEPURE CITY.

*(Answer to question No. *4942, page 621 ante.)***The Honourable Mr. D. J. Boyd :** (a) Yes.

(b) Yes.

(c) It is doubtful what actual words the speaker used, but their purport seems to have been as the honourable member states.

(d) The speech aroused little interest and no action was considered necessary.

WATER RATES, OWNER'S RATES AND LAND REVENUE.

*(Answer to question No. *4944, page 622 ante.)***The Honourable Nawab Muzaffar Khan :** (a) Yes.

(b) The schedules of water rates applicable to the Eastern and Sirhind Canals as well as a statement showing water advantage rate (khush hasiati or nahri parta) obtaining on these canals are laid on the table. As regards land revenue the attention of the honourable member is invited to chapters XXXI and XXXII of Settlement Manual which explain the system of the distribution of revenue over estates and holdings, respectively. From these instructions it will be observed that land revenue is imposed on estates and the incidence per acre varies from village to village and again according to the *bachh* it may differ from holding to holding and even from well to well. The preparation of these statistics require an amount of time and labour out of all proportion to the results obtainable, and I do not feel justified in calling for them under the circumstances.

(c) The requisite figures are not available and consequently it is not easy to ascertain the comparative income. The prospects of agriculture have no doubt fallen since pre-Sutlej Valley Project days owing to world causes.

(d) Varies: depending on river supplies, opens some time in April, closes early October.

(e) Yes. The *abiana* rates are higher than on the uncontrolled Grey Canals.

Schedule of Occupiers' Rates applicable to Sirhind Canal.

Class.	Nature of crops.	RATE PER ACRE.		Per.
		Flow.	Lift.	
1	2	3	4	5
I	Sugarcane (except on <i>kharif</i> channels)	Rs. A. P. 11 0 0	Rs. A. P. 5 8 0	Crop.
II	Sugarcane on <i>kharif</i> channels ..	9 0 0	4 8 0	Crop.
III	Water-nuts	7 8 0	3 12 0	Do.
III-A.	Rice	6 8 0	3 4 0	Do.
IV	Indigo and other dyes, tobacco, poppy, spices and drugs.	5 8 0.	2 12 0	Do.
IV-A.	Cotton	4 8 0	2 4 0	Do.
V	Gardens and orchards and vegetables, except turnips.	5 8 0	2 12 0	Gardens and orchards per half-year; the rest per crop.
VI	Barley and oats (except on <i>kharif</i> channels).	5 4 0	2 10 0	Crop.
VI-A.	Wheat (except on <i>kharif</i> channels) ..	4 4 0	2 2 0	Do.
VII	Melons, fibres (other than cotton), and all crops not otherwise specified.	5 0 0	2 8 0	Do.
VII-A.	Maize	4 4 0	2 2 0	Do.
VIII	Oilseeds (except <i>rabi</i> oilseeds on <i>kharif</i> channels).	4 4 0	2 2 0	Do.
IX	<i>Rabi</i> oilseeds, barley and oats on <i>kharif</i> channels.	3 12 0	1 14 0	Do.
IX-A.	Wheat on <i>kharif</i> channels ..	3 0 0	1 8 0	Do.
X	<i>Bajra</i> , gram, <i>masur</i> and pulses ..	3 4 0	1 10 0	Do.
XI	<i>Jowar</i> , <i>cheena</i> , grass which has received two or more waterings and all fodder crops, including turnips.	2 8 0	1 4 0	Grass per half year, the rest per crop.
XII	(a) Watering for ploughing not followed by a crop in the same or succeeding harvest.	1 0 0	0 8 0	Acres.
	(c) Village and district board plantations:—			
	(i) Any number of waterings in <i>kharif</i> .	1 0 0	0 8 0	Half-year.
	(ii) One watering in <i>rabi</i> ..	1 0 0	0 8 0	Do.
	(iii) Two or more waterings in <i>rabi</i>	2 0 0	1 0 0	Do.
	(d) Grass—A single watering in <i>kharif</i> or <i>rabi</i> .	1 0 0	0 8 0	Do.

NOTE.—Grass given two or more waterings falls under Class XI.

Hemp, indigo and *guara* ploughed in as green manure before 15th September are not assessed to water-rates.

Schedule of Occupiers' Rates applicable to Eastern Canal.

Class.	Nature of crops.	RATE PER ACRE.		Per.
		Flow.	Lift.	
1	2	3	4	5
		Rs. A. P.	Rs. A. P.	
I	Sugarcane	9 0 0	4 8 0	Crop.
II	Water-nuts	7 8 0	3 12 0	Do.
II-A.	Rice	6 8 0	3 4 0	Do.
III	Indigo and other dyes, spices and drugs (excluding <i>rabi</i> crops).	6 4 0	3 2 0	Do.
III-A.	Cotton	5 4 0	2 10 0	Do.
IV	Gardens, orchards and vegetables (excluding <i>rabi</i> crops).	5 8 0	2 12 0	Gardens and orchards per half year, the rest per crop.
V	Melons, fibres (other than cotton) and all crops not otherwise specified.	5 0 0	2 8 0	Crop.
V-A.	Maize	4 4 0	2 2 0	Do.
VI	<i>Kharif</i> oilseeds	4 4 0	2 2 0	Do.
VII	All <i>rabi</i> crops (excluding fodder and wadh wattar).	2 4 0	1 2 0	Do.
VIII	<i>Bajra</i> and pulses	2 8 0	1 4 0	Do.
IX	All fodder crops in <i>kharif</i> and in <i>rabi</i>	2 0 0	1 0 0	Do.
IX-A.	<i>Rabi</i> crops grown on the wadh wattar of a previous crop provided the field is ploughed or sown within 20 days after the date on which the distributary (or canal in the case of direct outlets) is finally closed at its head for the season.	1 4 0	0 10 0	Do.
X	(a) Watering for ploughing not followed by crop in the same or succeeding harvest.	1 0 0	0 8 0	Acre.
	(b) Village and district board plantations.	1 0 0	0 8 0	Half-year.
	(c) Grass, A single watering ..	1 0 0	0 8 0	Do.

NOTE.—Grass given two or more waterings falls under Class IX.

Hemp, indigo and *guara* ploughed in as green manure before 15th September are not assessed to water rates.

Statement showing water advantage rates (Khush haisiati or nahri parta) obtaining on the Eastern and Sirhind Canals in Ferozepore, Muktsar and Fazilka tahsils of the Ferozepore district.

Name of canal.	Name of tahsil or assessment circles.	Khush haisiati or nahri parta per acre.		REMARKS.
		3	4	
1	2	3	4	5
EASTERN	Ferozepore and Muktsar tahsils.	Superior class crops.	Rs. A. P. 1 3 4	"Superior" crops are rice, maize, sugarcane, cotton, tobacco and chillies. All other crops are "Inferior."
		Inferior class crops.	0 9 8	
	Fazilka tahsil	Superior class crops.	1 3 2½	
		Inferior class crops.	0 9 7	
Ferozepore	Rohi Circle	..	0 8 0	
	Mehraj Circle	..	0 7 0	
*SIRHIND	Muktsar	Rohi Circle	..	0 4 0
		Utar Circle	..	
		Kot Kapura	..	
		Utar.	..	
	Fazilka	Hithar Circle	..	0 4 6
		Mamdot Jagir	..	0 4 6
Fazilka	Rohi	..	0 2 6	
	Utar	..	0 1 0	

*NOTE.—On the Sirhind Canal nahri parta is assessed.

RABI CROPS.

(Answer to question No. *4968, page 688 ante.)

The Honourable Nawab Muzaffar Khan : (a) There is no report as no officers of the Agricultural Department were specially appointed in this connection.

(b) In Garhshankar tahsil (Hoshiarpur district) the condition was about normal. Similar was the case in the Nawanshahr tahsil (Jullundur district).

(c) Yes. Only 12 per cent. decrease in Garhshankar tahsil and a little above 10 per cent. in the Nawanshahr tahsil as compared with the preceding year.

(ii) No damage was done to the rabi crops by rain and hailstorms in the Nawanshahr tahsil. The yield of both irrigated and unirrigated wheat crop experiments was 13 per cent. below the normal. In the Garhshankar tahsil the season no doubt was unfavourable, but the rains in the month of April improved condition of the crops. Yield of wheat crop experiments of *barani* per acre in rabi 1985 was 427 seers, i.e., 7 seers more than the normal rate of produce.

(d) Such slight decrease did not justify a remission under the rules.

DISTURBANCE DURING DUSSEHRA.

(Answer to question No. *5100, page 872 ante.)

The Honourable Mr. D. J. Boyd : (a) Government has now seen the article.

(b) No action was taken by the local authorities as after enquiry it was found that the disturbance occurred when certain shopkeepers attempted to obstruct the passage of a Muhammadan procession through the grain market on the 20th of September, 1935. In the scuffle which ensued one shopkeeper received a slight injury on the nose.

(c) The Anaj Mandi is not private property but nazul land.

SIKH HEAD-MASTERS IN DISTRICT BOARD HIGH SCHOOLS, RAWALPINDI DIVISION.

(Answer to question No. *5129, page 942 ante.)

The Honourable Malik Sir Firoz Khan Noon :

(a) High schools	6
Middle schools	29
(b) Hindus	12
Muslims	22
Christians	1

(c) Sikhs form 4.7 per cent. of the total population of the Rawalpindi division. If they are not yet represented among the headmasters of district board high and middle schools it does not necessarily mean that they are not receiving their due share of the posts of teachers in district board schools. Nor does it mean that they are not receiving their share in the province as a whole.

SUB-REGISTRARS.

(Answer to part (b) of question No. *5136, page 946 ante.)

The Hon'ble Dr. Sir Gokul Chand Narang :

Rural areas	49
Urban areas	12
Statutory agriculturists	58

HOSPITAL SURGEON, VETERINARY COLLEGE.

(Answer to question No. *5147, page 951 ante.)

The Honourable Sardar Sir Jogendra Singh : (a) The duties of the Hospital Surgeon at the Punjab Veterinary College are as follows :—

- (1) He has to attend, and assist the Professor of Surgery in conducting surgical operations on in-patients.
- (2) He is responsible for the proper care and treatment of all in-patients under the instruction and supervision of the Professor of Surgery.
- (3) He has to perform multifarious duties of an administrative nature, such as, supervision of the College grounds, roads and gas plant, and the maintenance of registers, charts, and preparation of clients' bills.

- (4) He is in independent charge of the subject of "Animal Management" taught in the First year.
- (5) He has also to impart instruction to the Final year class, in Regional Surgery coupled with demonstrations on clinical cases.
- (6) He is in charge of the X-ray apparatus, and takes all the skiagrams. He has been specially trained for this work.
- (b) The duties of the Hospital Surgeon at the Punjab Veterinary College are more varied and cannot be compared with those of the House Surgeons at the Mayo Hospital, Lahore and Medical School, Amritsar.
- (c) The present incumbent has held the post since August 16th, 1926.
- (d) It is proposed to make no change at present. But the honourable member's suggestion will be considered.

PROVINCIAL VETERINARY SERVICE.

(Answer to question No. *5165, page 1006 ante.)

The Honourable Sardar Sir Jogendra Singh : (a) 23 posts, including the post of Deputy Superintendent, Live Stock Section, which has been held in abeyance indefinitely.

- (b) Either method is permitted.
- (c) No percentages have so far been fixed. The matter is under consideration.
- (d) None of the present incumbents of Class-II posts was enlisted in that class from outside Government service. All the present incumbents except 5 were already in the Provincial Service when Class-II was set up and places had to be found for them. Out of the 5 recently promoted from the subordinate service, 3 are holding their appointments temporarily and without prejudice to the claims of other candidates, while the other 2 are on probation for two years.
- (e) Immediate requirements of the department.
- (f) None.

ROYALTY FROM PATHANKOT BAJRI AND STONE COMPANY.

(Answer to question No. *5179, page 1137 ante.)

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b), (c), (e) and (f) Attention of the honourable member is invited to rule 3 of the Minor Minerals Rules in the Land Administration Act, Volume II, under which royalty is charged on minerals belonging to Government. The Pathankot Bajri and Stone Company remove stone and bajri from the villages in Kangra district where it is held to be the property of the landowners.

- (d) Government has no information.
- (g) Does not arise.

ANSWERS TO UNSTARRED QUESTIONS.

ECONOMIC BOYCOTT OF HINDUS.

(Answer to question No. 1272, pages 630-31 ante.)

The Honourable Mr. D. J. Boyd : (a) At Lahore ; at Gujranwala and Wazirabad (in the Gujranwala district) ; and at Kahuta, Gujar Khan and Daultala (in the Rawalpindi district).

(b) At one ; viz., Lahore.

(c) Yes ; action was taken at Lahore under the Criminal Law (Amendment) Act.

(d) Does not arise.

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

(Answer to question No. 1275, page 718 ante.)

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) The local officers made enquiries into the facts detailed in the memorial and the memorialists were allowed an opportunity to substantiate them which they could not do.

(c) A copy of the memorial is laid on the table—

Copy of a memorial, dated the 26th July, 1935, by certain zamindars of Kahuta tahsil, district Rawalpindi.

The overwhelming majority of Kahuta tahsil in Rawalpindi district consists of zamindars being 90 per cent. of the entire population. The *ilaga* is hilly, and consequently the zamindar is extremely poor and miserable. The Government in order to shake off his poverty and indebtedness has introduced certain movements of which co-operation and village reconstruction are important.

Every tahsildar, whether Hindu or Musalman, hitherto put in charge of the tahsil, bore always sympathetic attitude towards the said movements which undoubtedly promote the interest of zamindar.

2. But unfortunately Chaudhri Jodha Ram, the present tahsildar who is intolerably partial by nature and *bania* by caste is put in charge of a purely zamindar tahsil like Kahuta, since one and a half year ago. Since then the interests of the zamindar, lying at the mercy of a *bania*, are hopelessly precarious. Soon after his appointment, as ill-luck would have it, he presided a gathering on "Co-operation-Day" and there he vomitted poison against the zamindar, highly praising the *sahukar* and his credit and unsparingly condemned the co-operative credit. This was extremely objectionable, especially on the part of a public servant.

But the Chaudhri could not help it because he is by blood inclined towards the *bania*. The matter went up to the press.

One of the Urdu daily papers at Lahore drew the attention of the Government to this fact, but they remained as unaffected as ever. A quarrel cropped up between *sahukars* and Brahmans at Nala Brahmanan, a village in this tahsil. Here too, he was not an exception to his usual conduct. He sided with his brother *sahukars*, and opposed the Brahmans, so much so that he submitted diaries against the latter. The only fault of those Brahmans in the eye of the tahsildar was that they were unfortunately zamindars by profession.

3. Since three or four years ago, simply on economical lines and to help the cause of "village uplift" work in the *ilaga*, the village women were restricted to frequent Kahuta (town) for shopping. This was mainly to protect the painfully earned income of the zamindar, from being wasted through his illiterate wife who was too simple for the greedy *bania*. The scheme was carried on very peacefully and there was no complaint against this innocent movement even in the *sahukar* circle whatsoever. But soon after the arrival of Chaudhri Jodha Ram, he began to instigate his brother *banias* (local mahajans) against the zamindar, and depicted before the former his gloomy future as a result of village uplift work in the villages. Crowds of local mahajans are seen flocking at his house where he lectures them to his heart's satisfaction. He has succeeded to some extent in his well arranged object. Here it goes without saying that the relations between the zamindars and mahajans were exceedingly pleasant and

sweet. On 5th July, 1935, there was an ordinary "bol chāl" between a local mahajan and a Musalman on some personal affair.

This is bare reality that neither any other mahajan nor any other Musalman participated in the game. But a few mahajans who were well directed for the occasion by the tahsildar wired to the district authorities making them believe, as if communal riot had taken place. The police immediately arrived at the scene and saw nothing amiss amongst sister communities. The two persons who quarrelled were arrested and challaned. The evidence produced before the police states that the quarrel in question was personal and there was no danger of public peace being broken. Now the false informants amongst mahajans ought to have been proceeded against for wrong information to the police, but Chaudhri Jodha Ram is ever ready to help his *bania* brothers. He has been all along active to submit false and concocted diaries deceiving the concerned authorities and falsifying the police agency, mainly answerable for the peace of public.

4. To narrate how many non-agriculturists have been recommended to purchase the land of agriculturists, how many zamindar patwaris punished to fines, and how many *benami* mutations have been sanctioned by the Chaudhri, takes time. On the other hand, on more occasions than one, he has sheltered his *bania* subordinates who were actually culprits in the eye of law. It is also a serious trouble for the people that he comes to the court senselessly drunk and as result of intoxication abuses those who happen to appear before him.

Therefore we the zamindars of this *ilaga* respectfully approach the concerned authorities and request that in the interest of public in general, and the zamindar in particular, Chaudhri Jodha Ram tahsildar be removed to some other tahsil or else the ruin of the latter is sure and certain.

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

(Answer to question No. 1276, page 718 ante.)

The Honourable Nawab Muzaffar Khan : (a) Yes.

(b) Government has no knowledge whether Mr. Parkes was approached by zamindars of mountainous *ilaga* against the tahsildar while touring in the Kahuta tahsil.

(c) The local officers made enquiries into the facts detailed in the memorial and the memorialists were allowed an opportunity to substantiate them which they could not do:

COMPLAINT AGAINST TAHSILDAR, KAHUTA.

(Answer to question No. 1277, page 719 ante.)

The Honourable Nawab Muzaffar Khan : Government's attention has not been invited to such a petition.

BOOTAWAH CANAL.

(Answer to question No. 1311, page 892 ante.)

The Honourable Nawab Muzaffar Khan : (a) The Canal ceased to flow somewhat earlier.

(b) 22nd May, 1935.

(c) 15th September, 1935.

(d) 21 days, *i.e.*, from 26th August, 1935, to 15th September, 1935.

(e) and (f) It is said that most of the rice crop failed and the other *kharif* crops also suffered to some extent but the exact result is still unknown as the village crop abstracts are under preparation.

(g) The breach was due to floods in the river.

(h) The matter is under the consideration of Government.

REGISTRATION OF BIRTHS AND DEATHS.

(Answer to question No. 1315, page 897 ante.)

The Honourable Dr. Sir Gokul Chand Narang: A statement giving the required information is laid on the table—

Statement.

Serial No.	Names of municipal committees and notified area committees who have made by-laws for the registration of births and deaths.	Whether there is a penalty clause in these by-laws.	REMARKS.
1	2	3	4
1	Hissar Municipal Committee	Yes.	
2	Hansi Municipal Committee	"	
3	Bhiwani Municipal Committee	"	
4	Sirsa Municipal Committee	"	
5	Fatehabad Notified Area Committee	"	
6	Rohtak Municipal Committee	"	
7	Jhajjar Municipal Committee	"	
8	Beri Municipal Committee	"	
9	Bahadurgarh Municipal Committee	"	
10	Gohana Municipal Committee	"	
11	Sonepat Municipal Committee	"	
12	Rewari Municipal Committee	"	
13	Firozpur-Jhirka Municipal Committee	"	
14	Faridabad Municipal Committee	"	
15	Ballabgarh Municipal Committee	"	
16	Palwal Municipal Committee	"	
17	Hodal Municipal Committee	"	
18	Karnal Municipal Committee	"	
19	Panipat Municipal Committee	"	
20	Thanesar Municipal Committee	"	
21	Shahabad Municipal Committee	"	
22	Kaithal Municipal Committee	"	
23	Ambala Municipal Committee	"	
24	Jagadhri Municipal Committee	"	

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Serial No.	Names of municipal committees and notified area committees who have made by-laws for the registration of births and deaths.	Whether there is a penalty clause in these by-laws.	REMARKS.
1	2	3	4
25	Rupar Municipal Committee	Yes.	
26	Sadhaura Municipal Committee	"	
27	Kalka Municipal Committee	"	
28	Sadar Bazar Municipal Committee	"	
29	Simla Municipal Committee	"	
30	Kasumpti Municipal Committee	"	
31	Dharamsala Municipal Committee	"	
32	Hoshiarpur Municipal Committee	"	
33	Urmar Tanda Municipal Committee	"	
34	Jullundar Municipal Committee	"	
35	Kartarpur Municipal Committee	"	
36	Nakodar Municipal Committee	"	
37	Phillaur Municipal Committee	"	
38	Nur Mahal Municipal Committee	"	
39	Banga Municipal Committee	"	
40	Rahon Municipal Committee	"	
41	Ludhiana Municipal Committee	"	
42	Jagraon Municipal Committee	"	
43	Raikot Municipal Committee	"	
44	Khanna Municipal Committee	"	
45	Ferozepore Municipal Committee	"	
46	Fazilka Municipal Committee	"	
47	Muktsar Municipal Committee	"	
48	Zira Municipal Committee	"	
49	Abohar Municipal Committee	"	
50	Moga Municipal Committee	"	
51	Jalalabad Notified Area Committee	"	
52	Lahore Municipal Committee	"	

Serial No.	Names of municipal committees and notified area committees who have made by-laws for the registration of births and deaths.	Whether there is a penalty clause in these by-laws.	REMARKS.
1	2	3	4
53	Kasur Municipal Committee	Yes.	
54	Khem Karan Municipal Committee .. .. .	..
55	Patti Municipal Committee .. .. .	..
56	Amritsar Municipal Committee .. .. .	..
57	Jandiala Municipal Committee .. .. .	..
58	Tarn Taran Municipal Committee	No.	
59	Dalhousie Municipal Committee	No.	
60	Pathankot Municipal Committee	Yes.	
61	Dinanagar Municipal Committee .. .. .	..
62	Gurdaspur Municipal Committee .. .. .	..
63	Batala Municipal Committee .. .. .	..
64	Dera Baba Nanak Municipal Committee .. .. .	..
65	Sialkot Municipal Committee .. .. .	..
66	Pasrur Municipal Committee .. .. .	..
67	Narowal Municipal Committee .. .. .	..
68	Gujranwala Municipal Committee .. .. .	..
69	Wazirabad Municipal Committee .. .. .	..
70	Eminabad Municipal Committee .. .. .	..
71	Sharakpur Municipal Committee .. .. .	..
72	Sheikhpura Municipal Committee .. .. .	..
73	Nanakana Sahib Municipal Committee .. .. .	..
74	Gujrat Municipal Committee .. .. .	..
75	Jalalpur Jattan Municipal Committee .. .. .	..
76	Dingah Municipal Committee .. .. .	..
77	Kunjah Municipal Committee .. .. .	..
78	Mandi Baha-ud-Din Notified Area Committee .. .. .	..
79	Sargodha Municipal Committee .. .. .	..
80	Khushab Municipal Committee .. .. .	..

Serial No.	Names of municipal committees and notified area committees who have made by-laws for the registration of births and deaths.	Whether there is a penalty clause in these by-laws.	REMARKS.
1	2	3	4
81	Bhera Municipal Committee	Yes.	
82	Miani Municipal Committee	"	
83	Sahiwal Municipal Committee	"	
84	Phullarwan Municipal Committee	"	
85	Jhelum Municipal Committee	"	
86	Pind Dadan Khan Municipal Committee	"	
87	Rawalpindi Municipal Committee	"	
88	Murree Municipal Committee	"	
89	Campbellpur Municipal Committee	"	
90	Hazro Municipal Committee	"	
91	Pindigheb Municipal Committee	"	
92	Bhakkar Municipal Committee	"	
93	Isa Khel Municipal Committee	"	
94	Kalabagh Municipal Committee	"	
95	Montgomery Municipal Committee	"	
96	Pakpattan Municipal Committee	"	
97	Okara Municipal Committee	"	
98	Chichawatni Notified Area Committee	"	
99	Lyalpur Municipal Committee	"	
100	Chak Jhumra Municipal Committee	"	
101	Jaranwala Municipal Committee	"	
102	Kamalia Municipal Committee	"	
103	Gojra Municipal Committee	"	
104	Jhang- <i>cum</i> -Maghiana Municipal Committee	"	
105	Chiniot Municipal Committee	"	
106	Multan Municipal Committee	"	
107	Shujabad Municipal Committee	"	
108	Khanewal Municipal Committee	"	

Serial No.	Names of municipal committees and notified area committees who have made by-laws for the registration of births and deaths.	Whether there is a penalty clause in these by-laws.	REMARKS.
1	2	3	4
109	Mian Channu Municipal Committee	Yes.	
110	Muzaffargarh Municipal Committee	"	
111	Alipur Municipal Committee	"	
112	Khengarh Municipal Committee	"	
113	Leiah Municipal Committee	"	
114	Karor Municipal Committee	"	
115	Dera Ghazi Khan Municipal Committee	"	
116	Jampur Municipal Committee	"	
117	Dajal Municipal Committee	"	
118	Rajanpur Municipal Committee	"	
119	Mithankot Municipal Committee	"	
120	Arifwala Notified Area Committee	"	
121	Burewala Notified Area Committee	"	
122	Vihari Notified Area Committee	"	
123	Lodhran Notified Area Committee	"	
124	Jahanian Notified Area Committee	"	

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